

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.34345 of 2016

P.Nirmala

... Petitioner

Vs.

- 1 The Director of Public Health and Preventive Medicine  
Chennai - 600 006.
- 2 The Secretary to Government  
Health and Family Welfare Department  
Chennai - 600 009.
- 3 The Special Officer  
Chief Minister's Special Cell,  
Chennai - 600 009. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1<sup>st</sup> Respondent to consider the petitioner's representation dated 28.05.2016 and to direct the 1<sup>st</sup> Respondent to allot the Employment to the petitioner's Son which is been allotted to the Petitioner's husband.

For Petitioner : Mr.M.Madhu Prakash

For Respondents : Mr.N.Srinivasan

Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing the first Respondent to consider the petitioner's representation dated 28.05.2016 and to direct the first Respondent to allot the Employment to the petitioner's Son which has been allotted to the Petitioner's husband.

3.The petitioner would state that her husband was working as Temporary Junior Assistant at Deputy Director of Health Service, Tiruvallur, since, 27.05.2003. Thereafter, he participated in the Special Competitive Examination conducted by the Tamil Nadu Public Service Commission for all the Temporary Junior Assistants and he successfully cleared it and subsequently, received a call letter to attend the counselling on 26.11.2010 and he attended the counselling and was appointed as Junior Assistant to the Sub Court, Ambasamudaram.

4.The petitioner would further state that her husband after receiving his appointment order, at the time of joining the duty fell sick due to high diabetics and pressure and was not in a condition to walk properly and immediately, the petitioner approached the Tamil Nadu Public Service Commission and narrated the sickness of her husband and requested them to consider her husband's appointment in the next list and they also accepted the request. Subsequently, the petitioner also wrote to the Hon'ble Principal Judge, Tirunelveli.

5.The petitioner would further state that her husband received an appointment order for the post of Junior Assistant at Principal District Munsif - Cum - Magistrate Court, Nanguneri, but her husband's health condition has become very bad and he was referred to Medical Regional Medical Board, Rajiv Gandhi Government General Hospital, Chennai and the report stated that his vision in the eye was affected and he lost his vision and he is not fit for employment. Immediately, the petitioner took her husband for further check up at Medical Board Government Head Quarters Hospital, Tiruvallur and unfortunately, the report also confirmed the same.

6.The petitioner would further state that her husband died on 07.12.2014 before joining the allotted job and was left only with ten years of temporary service. The petitioner's son has completed his degree. Hence, the petitioner made a representation dated 28.05.2016 to the first respondent with copies marked to the respondents 2 and 3 seeking appointment to her son, but the first respondent vide reply dated 03.08.2016 stated that Mr.(Late) M.Purushothaman/ petitioner's husband was only a temporary employee and hence, as per the rules, his son is not eligible for appointment on compassionate grounds. Hence, this petition.

7.When the matter was taken into consideration, the learned counsel appearing for the petitioner submitted that the petitioner's husband was given an appointment order to join permanent job, but unfortunately, her husband died even before he joined the service. But without considering this aspect, the

first respondent has rejected the claim of the petitioner without assigning any valid reason.

8. Heard the submissions of the learned counsel appearing for the petitioner and the learned Additional Government Pleader who takes notice for the respondents.

9. Considering the submissions made on either side and without going into the merits of the same, this Court directs the petitioner to give a detailed representation to the first respondent, along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order and the first respondent on receipt of the said representation, is directed to pass appropriate orders, taking into consideration the entire factual aspects, on merits and in accordance with law, within a period of six weeks thereafter.

10. The writ petition is disposed of accordingly. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The Director of Public Health and Preventive Medicine  
Chennai - 600 006.
- 2 The Secretary to Government  
Health and Family Welfare Department  
Chennai - 600 009.
- 3 The Special Officer  
Chief Minister's Special Cell,  
Chennai - 600 009.

+2cc to Mr.M. Madhu Prakash , Advocate, S.R.No.55937

sk (CO)  
md (8/11/2016)

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