



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.11408 of 2016

and

WMP (MD) No.8728 of 2016

A.Radha

.. Petitioner

vs.

1.The Director of Agriculture,
Office of the Directorate of Agriculture,
Chepauk,
Chennai - 600 005.

2.The Assistant Director of Agriculture,
Office of the Assistant Directorate,
Chinnamanur,
Theni District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the first respondent in A.Ni.P.6/138883/2013, dated 28.11.2013 and quash the same and consequently direct the respondents to appoint the petitioner in any suitable post under the compassionate grounds within the period stipulated by this Court.

For Petitioner :Mr.P.Krishnasamy

For Respondents : Mr.R.Anandaraj,
Government Advocate

ORDER

The petitioner Mrs.A.Radha, who is the daughter of the deceased employee late.R.Ananthan, having suffered an order of rejection, dated 28.11.2013 passed by the Director of Agriculture, Chepauk, refusing to give employment to her on compassionate ground, has come to this Court, challenging the same.

2. Learned counsel appearing for the petitioner, assailing the impugned order would submit that the petitioner's father late.R.Ananthan, while serving as Depot Manager in the second respondent's office, due to sudden illness, died on 10.08.2013, leaving behind his wife and daughter the petitioner herein as his legal heirs. As the father of the petitioner was the only



earning member, his sudden death caused severe hardship and financial burden on the family. Therefore, being the legal heir, the petitioner submitted an Application, claiming suitable appointment on compassionate ground by enclosing all the Certificates and also a No Objection Certificate from her mother on 08.11.2013, within a period of three years from the date of death of her father. But, the first respondent had rejected her application stating that, at the time of making Application, she got married and cited a Government Order in G.O.Ms.No.165, Labour and Employment Exchange(Q2), dated 30.08.2010. Therefore, the petitioner has come to this Court.

3. Learned counsel appearing for the petitioner, taking support from an order of this Court in **R.Govindammal vs. the Principal Secretary, Social Welfare and Nutritious Meal Programme Department, Secretariat, and others** reported in 2015(5) CTC 344, would heavily contend that this Court already settled the matter in issue by holding that the State cannot discriminate against women in providing compassionate appointment. Nowadays, it is a common thing that a family have a single child; either male or female; thus, if a Government servant has only daughter, the widow of the Government servant cannot be stated that her married daughter cannot be provided compassionate appointment, particularly, when she has to solely rely on her daughter.

4. Learned counsel appearing for the petitioner cited one another judgment of the Honourable Apex Court in **Shreejith L. vs. Deputy Director (Education) Kerala and others** reported in (2012) 7 Supreme Court Cases 248 and submitted that on the ground of defects in making application, the request for compassionate appointment cannot be rejected.

5. But the case on hand is something, totally different. Therefore, the decision cited by the petitioner cannot be made applicable to the present case. A reading of the impugned order shows that the petitioner's father Late Ananthan while serving as Depot Manager in the second respondent office, died in harness on 10.08.2013. Before two years of his death, the petitioner got married on 19.01.2011 and was living with her husband in a separate family. Therefore, the claim made by the petitioner that she was depending on the earnings of his father is wholly misplaced. Therefore, the question of dependency does not arise and hence, the first respondent has rightly rejected the case of the petitioner on the ground that she was not a dependent. Further, it is submitted by the learned counsel appearing for the petitioner that, after the death of Mr.Ananthan, his wife, namely, the mother of petitioner, has been receiving the monthly pension. Therefore, viewing from any angle, this Court does not find any merit whatsoever in this Writ Petition.



6. In the result, this Writ Petition fails and the same is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

1.The Director of Agriculture,
Office of the Directorate of Agriculture,
Chepauk,
Chennai - 600 005.

2.The Assistant Director of Agriculture,
Office of the Assistant Directorate,
Chinnamanur,
Theni District.

+1cc to Mr.P.Krishnasamy, Advocate Sr.No.33243/16
+1cc to special Government Pleader SR.No.33382/16

pm

sm:SS2:23/09/2016:3P/5C

W.P. (MD) No.11408 of 2016
27.06.2016