



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2016

CORAM

WEB COPY

THE HON'BLE Dr.JUSTICE S.VIMALAW.P(MD) No.18079 of 2016

Vijayalakshmi

... Petitioner

-vs-

1.The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution
Corporation Ltd.,
NPKRR Maligai,
Anna Salai,
Chennai - 2.

2.The Superintendent Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Madurai Distribution Circle,
Madurai - 7.

... Respondents

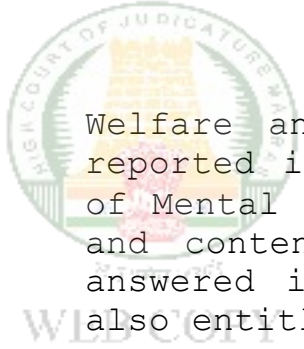
Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent's order in letter No.003780/179/MePo/MaMiPaVa/Mathu/NiA/NiPi.II/Uthavi3/2015 dated 18.11.2015 and quash the same and direct the respondents to give compassionate appointment to the petitioner on the death of her father Kasimayan on 09.09.2014 while in service as Line Inspector within stipulated period.

For Petitioner : Mr.M.A.Abdul Muthalif

For Respondents : Mr.S.Dhayalan
Standing Counsel**O R D E R**

The request of the petitioner for compassionate appointment, has been rejected vide impugned order, on the ground that she is a married daughter. Challenging the same, this writ petition has been filed.

<https://hcservices.ecourts.gov.in/hcservices/>
2. The learned counsel for the petitioner has relied upon the decisions in R.Govindammal vs. The Principal Secretary, Social



Welfare and Nutritious Meal Programme Department and 4 others, reported in **2015 (5) CTC 344** and *M.Indra vs. Director, Institute of Mental Health, Kilpauk, Chennai*, reported in **(2016) 5 MLJ 178**, and contended that the issue raised in this writ petition is answered in the above cases, holding that married daughters are also entitled to compassionate appointment.

3. In *R. Govindammal vs. The Principal Secretary, Social Welfare and Nutritious Meal Programme Department and 4 others*, reported in **2015 (5) CTC 344**, this Court has held as follows:-

'27. In *Krishnaveni's* case (cited supra), I have referred to the statute, namely the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, which places equal duty on both the son and daughter to take care of the parents at the old age and held that the daughters shall be treated alike the sons in providing compassionate appointment. Thus, in the matter of providing compassionate appointment, no distinction shall be made between a son and a daughter.

28. The case on hand is a classic case, wherein, the deceased Government servant has no male issue. 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, as in this case, the widow of the Government servant cannot be stated that her married daughter could not be provided compassionate appointment, particularly, when she has to solely rely on her daughter. As stated above, Maintenance and Welfare of Parents and Senior Citizens Act, also now places equal responsibility on both the son and daughter to take care of their parents.'

4. In *M. Indra vs. Director, Institute of Mental Health, Kilpauk, Chennai*, reported in **(2016) 5 MLJ 178**, this Court has held as follows:-

'12. As per G.O.Ms.No.560, dated 03.08.1977, the State Government provides Compassionate Appointment to the wife/husband/son/unmarried daughter on the death of the Government Servant i.e., while the son of the deceased Government Servant is entitled to Compassionate Appointment without reference to marriage, the daughter is not treated equally in providing compassionate appointment and a condition is imposed that the daughter should be unmarried to claim compassionate appointment. Later on, the said another Government Order was issued in G.O.Ms.No.165, Labour and Employment Department, dated 30.08.2010. In my view, such a scheme of compassionate appointment is arbitrary and violative of Articles 14 and



also against Articles 15(1) and 16(2) of the Constitution of India.''

5. In view of the dictum laid down in those cases, the impugned order dated 18.11.2015 is set aside and the respondents are directed to consider the claim of the petitioner for appointment on compassionate ground, in the light of the abovesaid decisions and to pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

6. This Writ Petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

mj

TO

1. The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution
Corporation Ltd.,
NPKRR Maligai,
Anna Salai,
Chennai - 2.

2. The Superintendent Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Madurai Distribution Circle,
Madurai - 7.

+1cc to Mr.M.A.Abdul ,Advocate Sr.No. 55480

JAM/22.11.16/CK/3p-4c

W.P(MD)No.18079 of 2016
22.09.2016