



2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

3. The petitioner's husband one Ayyappan, was working under the fourth respondent, as Secretary and rendered 16 years of service and he died on 18.06.2012 leaving behind the petitioner and his children as his legal heirs.

4. From the Service Register of the petitioner produced before this Court, it is evident that the petitioner has joined the service as part time clerk on 01.12.1996. At that point of time, the salary fixed is Rs.400/- p.m. Subsequently, he was promoted as Village Assistant Grade II on and from 01.09.2006, during which time also the basic pay is Rs.625-10-725-20-925. By virtue of G.O.Ms.No.91, Rural Development and Panchayat Raj (E5) Department, dated 12.08.2009, post of Village Assistant has been re-designated as Secretary. After the death of Ayyappan, the wife applied for appointment on compassionate ground, but the same has been rejected by the impugned order, dated 22.11.2013 on the ground that the Government Rules did not provide for appointment of the legal heirs of the Secretaries. This order is under challenge in this writ petition. The order has been misunderstood. It is not as if the deceased was the secretary to Government. The post is only Village Assistant but designed as secretary.

5. The learned Additional Government Pleader has produced the Government Order in G.O.Ms.No.102, Rural Development and Panchayat Raj (E5) Department, dated 13.07.2016, from which, it is evident that the compassionate appointment is a matter of right available to the legal heirs of the workers, who died in harness while serving in the post of Office Assistants also.

6. Under such circumstances, the impugned order dated 22.11.2013 is liable to be set aside and accordingly set aside. The writ petition is allowed. The first respondent shall provide appointment on compassionate ground to the petitioner suitable to her educational qualifications, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(As)

/True copy/

Sub Assistant Registrar

To

1. The Personal Assistant to District collector (Rural Development)
<https://hcservices.ecourts.gov.in/hcservices/>
Theni district.



2.The Commissioner/Block Development Officer,
Antipatti Panchyat Union,
andipatti, Theni District.

3.Assistant Block Development Officer,
Theni District.

4.The President,
Sittharpatti Panchayat,
Sittharpatti, Antipatti Taluk,
Theni District.

+1cc to Mr.S.Balaji, Advocate SR.No.69713
+1cc to special Government Pleader SR.no.65778

raj2
sm:sk-skn:14.12.2016:3P/7C

Writ Petition (MD) No.19151 of 2016