



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2016

CORAM

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.20992 of 2016

P.Dhanalakshmi

... Petitioner

vs.

1)The Director,  
Social Welfare and Nutritious Meal Programme,  
No.58/70, Arunchalam Street,  
Chintadripet,  
Chennai-600 002.

2)The District Collector,  
Thoothukudi District,  
Thoothukudi.

3)The Personal Assistant to District Collector (Noon Meal),  
Thoothukudi District,  
Thoothukudi.

4)The Commissioner,  
Karunkulam Panchayat Union,  
Seithunganallur,  
Thoothukudi District.

... Respondents

Petitions filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to provide suitable employment in the respondent department on compassionate basis without reference to marriage of the petitioner by considering indigent circumstances caused due to the sudden and untimely demise of the petitioner mother valliammal who worked Panchayat Union Middle School Kasilingapuram as a Noon Meal Scheme organizer within a reasonable time period to be fixed by this Hon'ble Court.

For Petitioner : Mr.M.Boopathi Pandiyan  
For Respondents : Mr.T.S.Mohammed Mohideen  
Additional Government Pleader

ORDER

The petitioner has completed B.A (Sociology). She seeks compassionate appointment on account of the death of her mother who was in service as Noon Meal Organiser in Union Middle School, Kasilingapuram, Karunkulam Panchayat. The petitioner made



representations to the respondents, seeking compassionate appointment, but the same did not yield any response. Hence, this writ petition has been filed seeking for a direction to the respondents to provide suitable employment in the respondent department on compassionate basis, [without reference to the marriage of the petitioner], by considering the indigent circumstances caused due to the sudden and untimely demise of the petitioner's mother/Valliammal, within a time frame.

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 Helath, 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 Helath, 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 respondents are directed to consider the claim of the petitioner for appointment on compassionate grounds in the light of the abovesaid decisions and to pass appropriate orders on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order.

Accordingly, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

1) The Director,  
Social Welfare and Nutritious Meal Programme,  
No.58/70, Arunchalam Street, Chintadripet, Chennai-600 002.

2) The District Collector,  
Thoothukudi District, Thoothukudi.

3) The Personal Assistant to District Collector (Noon Meal),  
Thoothukudi District, Thoothukudi.

4) The Commissioner,  
Karunkulam Panchayat Union, Seithunganallur, Thoothukudi District.

+1 CC to Mr.M.BOOPATHI PANDIAN, Advocate, SR No.65602

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.66287

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