



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.11.2016
CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

WEB COPY

W.P (MD) No.22015 of 2016

P.Mani

... Petitioner

vs.

1)The District Collector,
Madurai District,
Madurai.

2)The Assistant Director & Personal Assistant
to District Collector,
District Land Survey Office,
Madurai-20.

... Respondents

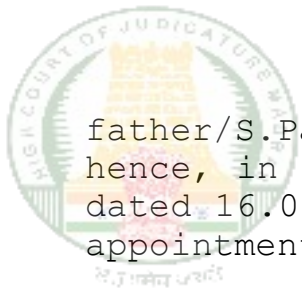
Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in O.Mu.Ni.A.5/3554/2016 dated 20.04.2016 on the file of the Respondent No.2 and quash the same as illegal and consequently for a direction directing the Respondent No.2 to provide compassionate appointment to the Petitioner in any suitable post within the time period stipulated by this Hon'ble Court.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondents	: Mr.V.R.Shanmuganathan Special Government Pleader

ORDER

This Writ of Certiorarified Mandamus has been filed, seeking to quash the impugned order passed by the 2nd respondent in O.Mu.Ni.A.5/3554/2016, dated 20.04.2016, with a consequential direction to the 2nd respondent, to provide compassionate appointment to the petitioner, in any suitable post, within a time frame to be fixed by this Court.

2.The petitioner is a married daughter of one Tamil Kodi, who was working as Land Record Draughtsman in the Tahsildar Office, Usilampatti; the said Tamil Kodi died on 20.12.2009, while in service; after the demise of the mother, the family was in penury; the petitioner applied for appointment on compassionate grounds on 25.06.2012 before the 2nd respondent, who rejected the application, by impugned order, stating that the petitioner's



father/S.Paramasivam is working in the police department and hence, in view of G.O.Ms.No.155, Labour and Employment Department, dated 16.07.1993, if any member of the family is already employed, appointment on compassionate grounds, cannot be provided.

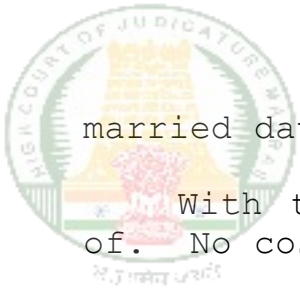
3.It is the contention of the petitioner that her father is not supporting her, even though he is employed as Inspector of Police; the petitioner got married on 16.05.2010 and her husband is also not supporting her, as he remains unemployed and therefore, it is contended that these circumstances ought to have been considered by the 2nd respondent, before passing the order of rejection and therefore, the impugned order cannot be sustained.

3.It is the specific contention of the petitioner that G.O.Ms.No.155, Labour and Employment Department, dated 16.07.1993, provides for conditions, under which, even though any other member of the family is employed, even then, the other member, who want employment on compassionate grounds, can be considered, provided, the conditions therein are satisfied. The conditions, that are mentioned in the said G.O, which are to be looked into by the authorities concerned, are given in paragraph 3 of G.O.Ms.No.155, which are reproduced hereunder:-

''3. In regard to the second condition mentioned in Para 1 above, it is considered that if a member of the family is already in employment and supports the family then the restriction may be applied. When a dependant of the family is employed, the factors to be ascertained are, whether he is regularly employed and is actually supporting the family. If that person was employed even before the death of the Government Servant and was living separately without extending any help to the family, then the case of other eligible dependants will be considered.''

3.1.Perusal of the impugned order dated 20.04.2016 would show that the eligibility of the petitioner has not been considered with reference to para 3 of G.O.Ms.No.155.

4.Therefore, the impugned order passed by the 2nd respondent is hereby set aside and the matter is remitted back to the authorities concerned, who shall consider the claim of the petitioner, for compassionate appointment, in the light of G.O.Ms.No.155, with reference to conditions stated in paragraph 3 of the G.O(extracted supra). The authorities concerned are also expected to take note of the fact that married daughters are also entitled to appointment on compassionate grounds, as per the decisions of this Court 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. Services courts govt.in/Reserve list Institute of Mental Health, Kilpauk, Chennai, reported in (2016) 5 MLJ 178, wherein, it has been categorically held that



married daughters are also entitled to compassionate appointment.

With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(crl.side)

/True Copy/

Sub Assistant Registrar

To

1)The District Collector,
Madurai District,
Madurai.

2)The Assistant Director & Personal Assistant
to District Collector,
District Land Survey Office,
Madurai-20.

+1cc to Mr.T.Lajapathi Roy,Advocate Sr.No.70140

+1cc to the Spl.Govt.pleader Sr.No.70608

W.P(MD)No.22015 of 2016
17.11.2016

nbi
rum/ss2/06.01.2017/3p/5c