



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2016

CORAM :

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.(MD) Nos.22963 of 2016

Umadevi

... Petitioner

vs.

1. The Director General of Police,
O/o. Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai 600 004.

2. The Inspector General of Police,
South Zone, New Natham Road,
Madurai 625 002

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to appoint the petitioner on compassionate grounds, by considering the petitioner's representation, dated 08.11.2016.

For Petitioner : Mr. D.Rameshkumar

For Respondents : Mr. A.Muthukaruppan, AGP.,

O R D E R

This writ of mandamus has been filed by the petitioner seeking direction to the respondents to appoint the petitioner on compassionate grounds.

2. Mr. A.Muthukaruppan, learned Additional Government Pleader accepts notice for the respondents. Heard both sides. By consent of the learned counsel for both sides, the writ petitions are taken up for final disposal.

3. The brief facts :-

The petitioner's father, Mokkaichamy, worked in the Police Department, as Head Constable and he was on duty at P.C.Patty Police Station, Theni District. He died on 01.04.2009 in harness due to heart attack.

3.1. The younger daughter of the deceased is a mentally challenged person. After the death of the petitioner's father, the petitioner was taking care of her mother and the mentally challenged sister.



4. The learned counsel for the petitioner would submit that even though the petitioner had applied for compassionate appointment, within the period of limitation, because of the then prevailing legal position, she was informed that she will not get the appointment and no appointment in fact was given to the petitioner; only later, the petitioner came to know about the latest decisions of this Court that the married daughters are also entitled to get the appointment on compassionate grounds.

5. The learned counsel for the petitioner also would submit that the petitioner is already taking care of her mother and sister of the petitioner and as petitioner is not able to maintain the mentally challenged sister, now she is pressing her claim for appointment on compassionate grounds.

5.1. So stating the petitioner has submitted a representation, dated 08.11.2016, to the first respondent. As the representation has not been considered, the petitioner is constrained to file this writ petition.

6. The learned Additional Government Pleader appearing for the respondents would submit that the application has been filed belatedly and therefore, it is not liable to be considered.

7. The learned counsel for the petitioner would submit that the application was filed in time, but no order was passed by the respondents.

8. Considering the facts and circumstances of the case and the submissions made by the learned counsel on both sides, the respondents are directed to consider the representation of the petitioner, dated 08.11.2016, in the light of her claim made that: (a) the married daughters are also entitled to be considered for appointment on compassionate grounds only in recent times and also (b) in the light of the plea that the petitioner is under a liability to maintain the mother and mentally challenged younger sister, and to pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

9. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/



To

1. The Director General of Police,
O/o. Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai 600 004.

2. The Inspector General of Police,
South Zone, New Natham Road,
Madurai 625 002.

+1cc to M/s.D.Ramesh Kumar, Advocate in SR No.73828

+1cc to the Spl.Govt.Pleader in SR No.74205

W.P. (MD) Nos.22963 of 2016
29.11.2016

SRK

ANR/SS3/SAR3/02.12.2016/3P/5C