



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2016

CORAM:

THE HONOURABLE DR.JUSTICE **S.VIMALA**

W.P(MD)No.23349 of 2016

WEB COPY

R.Mariya Pushpam

: Petitioner

Vs.

1.The Commissioner,
Department of Labour,
DMS Compound, Teynampet,
Chennai - 600 006.

2.The Secretary,
Department of Labour and Employment Wing,
Fort St. George,
Chennai - 600 009.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to provide suitable employment on the ground of compassionate to the petitioner and in pursuance of petitioner's representation dated 07.01.2016 and also the representation of petitioner's mother dated 06.09.2016.

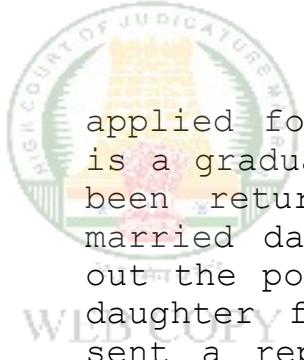
For Petitioner : Mr.V.Sitharanjandas
For Respondents : Mr.M.Murugan,
Government Advocate.

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to provide suitable employment on compassionate grounds to the petitioner and in pursuance of the petitioner's representation dated 07.01.2016 and also the representation of the petitioner's mother dated 06.09.2016.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate, who took notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3.The case of the petitioner is that her father namely G.Ramasamy, who was employed as Stamping Smith in the office of Stamping Inspector, Kovilpatti, which is under the control of the respondents, died on 25.10.2013, while in service, leaving behind his wife and the petitioner, as his legal representatives. Since the petitioner's father died during the course of employment, her mother applied for employment on compassionate ground on 29.12.2013. But, her mother is uneducated, unemployed and suffering with various ailments. Therefore, the petitioner



applied for appointment on compassionate ground. The petitioner is a graduate in Information Technology. But, the application has been returned on the sole ground that the petitioner is the married daughter of the deceased employee. Thereafter, pointing out the position that there is no bar for considering the married daughter for employment on compassionate ground, the petitioner sent a representation on 07.01.2016 and her mother also sent a representation on 06.09.2016. Since, the same have not considered, this writ petition has been filed.

4.It is settled position that married daughters are also eligible to be considered for appointment on compassionate ground. In the decisions of this Court in **R.Govindammal v. The Principal Secretary, Social Welfare and Nutritious meal Programme Department, Chennai and Others** reported in **2015(3)LW756** and in **M.Indra v. Director, Institute of Mental Health, Kilpauk, Chennai** reported in **2016(5) MLJ 178**, it has been held that the condition imposed stating that the daughter should be unmarried to claim compassionate appointment, was held to be arbitrary and violative of Articles 14,15(1) and 16(2) of the Constitution of India. The dictum laid down in the said two Judgments has been followed in the subsequent decisions of this Court. Under such circumstances, the respondents are directed to consider the representations of the petitioner dated 07.01.2016 in the light of the decisions cited supra and to pass 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.

5.The writ petition is allowed on the above terms. No costs.

Sd/-

Assistant Registrar(Crl.side)

/True copy/

Sub Assistant Registrar

To

1.The Commissioner,

Department of Labour, DMS Compound, Teynampet,
Chennai - 600 006.

2.The Secretary,

Department of Labour and Employment Wing,
Fort St. George, Chennai - 600 009.

+1 cc to M/s.V.Sitharanjandas, Advocate in SR.No. 74886

+1 cc to The Special Government Pleader in SR.No. 79006

ORDER MADE IN

W.P(MD)No.23349 of 2016

01.12.2016