



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2016

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

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W.P (MD) No. 5207 of 2016

Vijayalakshmi

... Petitioner

Vs.

1. The District Collector,
Tirunelveli,
Tirunelveli District.

2 .The Commissioner,
Block Development Office,
Sankarankovil,
Tirunelveli District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings issued by the first respondent in O.Mu.G9/44943/15, dated 04.09.2015 and quash the same and consequently direct the respondents herein to appoint the petitioner in any suitable Post under the respondents herein on compassionate grounds.

For Petitioner	: Mr.A.R.kannappan
For R-1	: Mr.S.Satheeshkumar, Additional Government Pleader
For R-2	: Mr.V.Muruganandham, Additional Government Pleader

ORDER

The Writ Petition is filed challenging the order passed by the first respondent rejecting the request for appointment of the petitioner on compassionate ground vide proceedings in O.Mu.G9/44943/15, dated 04.09.2015.

2. The case of the petitioner is that her mother died in harness on 09.03.2015 as Cook at Vellaivinayagar Primary School at Vettarampatti, leaving behind her husband and the petitioner, who is the daughter. The petitioner was married to one Udayanirai Chandran. As the father of the petitioner was also not in a position to take employment, the petitioner submitted an application before the first respondent on 22.06.2015 along with necessary documents, seeking an employment on compassionate ground. Further, the petitioner had also enclosed no objection certificate from the brother namely V.R.Kannan. The request of



the petitioner was declined on the ground that the petitioner was married during the lifetime of her mother and therefore, she is not entitled to employment on compassionate ground. The said order was passed on 04.09.2015, which is now challenged in this Writ Petition.

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3. The learned counsel for the petitioner contends that G.O.Ms.No.165(Labour and Employment(Q2) Department, dated 30.08.2010 and also G.O.Ms.No.96(Labour and Employment(Q1) Department, dated 18.06.2012, permits the married daughter of the deceased employee also to get compassionate appointment. Though based on the said G.Os, the petitioner had made representation on 22.06.2015 before the first respondent, there was no response for the same. He further submitted that the judgment of the Honourable Apex Court in **Shreejith vs. Deputy Director(Education) Kerala and others** reported in **(2012) 7 SCC 248**, also cleared that even married daughters are also entitled for compassionate appointment and therefore, the impugned order is liable to be set aside.

4. The learned Additional Government Pleaders appearing for the respondents also fairly concede that the petitioner is entitled for appointment on compassionate ground if otherwise she fulfills the conditions.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleaders for the respondents and perused the materials available on record.

6. As rightly contended by the learned counsel for the petitioner in the affidavit that after the demise of her mother, the family of the petitioner was in penury and that the petitioner's husband is also a coolie worker and earning only meagre income. Therefore, the financial strain of the petitioner also to be considered while passing the order on compassionate appointment. Admittedly, there is no discrimination between the married son and married daughter. Therefore, the petitioner is entitled for employment on compassionate ground, if she fulfills all the conditions.

7. In the result, the Writ Petition is allowed and the impugned order, dated 04.09.2015 passed by the first respondent, is set aside and the matter is remitted back to the first respondent to consider the case of the petitioner afresh in the light of the judgment reported in **(2012) 7 SCC 248(cited supra)**, within a period of eight weeks from the date of receipt of a copy of this order. No Costs.

Sd/
Assistant Registrar

/True Copy/



To

1. The District Collector,
Tirunelveli,
Tirunelveli District.
2. The Commissioner,
Block Development Office,
Sankarankovil,
Tirunelveli District.

+1cc to Special Government Pleader in Sr.No.14963
+1cc to Mr.A.R.Kannappan, Advocate SR.No.14443

CN/SKN-SK/29.03.2016/3P-5C

W.P (MD) No.5207 of 2016

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