



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2016

CORAM:

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE Mr. JUSTICE B.GOKULDAS

W.A. (MD) No. 970 of 2013

and

M.P. (MD) No. 1 of 2013

The District Collector,
Ramanathapuram District,
Ramanathapuram.

... Appellant

Vs.

A.Chitra

... Respondent

PRAYER: The Writ Appeal is filed under Rule 15 of Letter Patent Act, against the order dated 23.04.2013 in W.P. (MD) No. 6763 of 2013 passed by this Court.

Prayer in WP(MD). 6763/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS or any other order or direction in the nature of writ calling for the records of the respondent in Moo.Mu.A3/8685/2011 dated 13.07.2012 and Quash the same as unconstitutional illegal and unlawful and further direct the respondent to provide employment to the petitioner under compassionate ground more particularly within a time frame as may be stipulated by this Honourable Court.

For Appellant : Mr. Alagathevan, G.A.

For Respondents : Mr. Niranjana S. Kumar

JUDGMENT

(Judgment of this Court was delivered by K.K.SASIDHARAN, J.)

This intra court appeal is directed against the order dated 23 April 2013 in W.P. (MD) No. 6763 of 2013, whereby and whereunder, the Learned Single Judge set aside the order passed by the District Collector, Ramanathapuram and directed the appellant to provide compassionate appointment to the respondent. Feeling aggrieved, the appellant has come up with this intra court appeal.



2.The father of the respondent was employed as Village Assistant in Nambu Thalai group. He died in harness on 09.10.2009. The petitioner submitted an application for compassionate appointment. The application was rejected on the ground that she was married prior to the death of her father and as such was not entitled for compassionate appointment as provided under the Government Order G.O.Ms.No.96, dated 18.06.2012. The said order was challenged by the respondent before the Writ Court.

3.The Learned Single Judge, following the earlier order in W.P.(MD)No.8686 of 2011, allowed the Writ petition. The Learned Single Judge opined that the marriage of the ward cannot be a reason to deny employment in case the candidate satisfies all the other requirements.

4.Heard the learned Government Advocate for the appellant and the learned counsel for the respondent.

5.The claim for compassionate appointment was rejected only on account of the cut off date prescribed by the Government in G.O.Ms.No.96, Labour and Employment (Q2) Department, dated 18.06.2012. The said Government Order was challenged in W.P.No.33305 of 2013. The Learned Single Judge by order dated 10.07.2004 quashed the stipulation with regard to cut off date.

6.The case of the petitioner was rejected only on the ground that her marriage took place prior to the death of her father. Since the cut off date has already been set aside by the Learned Single Judge of this Court by order dated 10.07.2014, the appellant cannot state that in view of the Government Order in G.O.Ms.No.96, dated 18.06.2012, employment cannot be given to the respondent.

7.It is true that the cut off date was quashed by this Court only after passing the order impugned in this Writ petition. Even then the respondent is entitled to the benefit of the said order.

8.In view of the deletion of the cut off date pursuant to the order in W.P.No.33305 of 2013, we do not find any merit in the contention taken by the appellant.

9.In the result, the intra court appeal is dismissed. We direct the appellant to implement the order passed by the Learned



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Single Judge, within a period of four weeks from the date of receipt of a copy this judgment. No costs. Consequently, connected M.P.is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The District Collector,
Ramanathapuram District,
Ramanathapuram.

+1cc to Spl.Government Pleader Sr.No.32462

nbj

AA/AAL-MPA/11.07.2016/3p-3c

W.A. (MD) No.970 of 2013
22.06.2016