

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2017

CORAM

The Hon'ble Mr. Justice M. Sathyanarayanan

W.P.No.4339 of 2017

Miriam Sheeba

... Petitioner

Vs.

1. The Chairman Cum Managing Director,
The New India Assurance Company Ltd.,
87, MG Road, Fort,
Mumbai - 400 001.

2. The Chief Regional Manager,
New India Assurance Company Ltd.,
Madurai Regional Office,
70 Feet Road, Ellis Nagar,
Madurai - 625 016.

3. The Divisional Manager,
New India Assurance Company Ltd.,
Divisional Office II,
Trichy.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for a Writ of Mandamus, directing the first respondents to consider on merits and in accordance with law the petitioner's representation, dated 10.12.2016, regarding compassionate appointment, within a time frame.

For Petitioner : M/s.G.Bala and Daisy
For Respondents : Mr.R.Sivakumar
Standing Counsel

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2. The petitioner would aver that his father, late Valentine Devakumar, has worked as Assistant Manager, in the service of the New India Assurance Company Ltd., and he died in harness on 18.12.2015. It is further averred by the petitioner, that she is having a younger sister, who is physically and mentally challenged person, and she is under continuous medication and taking treatment at CMC Hospital, Vellore. The mother of the petitioner, immediately, after demise of her husband, submitted an application/representation, dated 26.02.2016, seeking appointment on compassionate grounds

in favour of the petitioner, and it was rejected by the second respondent, by order, dated 17.08.2016, by citing the reason that the petitioner is married, and therefore, she is not solely dependent on the deceased father. The petitioner, challenging the correctness of the said order, also filed an Appeal before the first respondent on 10.12.2016, and it seems that after a lapse of two months, no response is forthcoming. Hence, the petitioner has come forward to file this Writ Petition.

3. Mr.G.Bala, the learned counsel appearing for the petitioner would submit that the reason assigned by the second respondent for rejecting the request made by the petitioner on the ground that she is married is per se unsustainable, in the light of the law laid down by this Court, in two reported decisions, viz., i) (2013) 8 MLJ 684 in re (Krishnaveni Vs. Superintending Engineer) and ii) (2008) 5 CTC 686 in re (G.Girija Vs. the Assistant Director) and prays for appropriate orders.

4. Mr.R.Sivakumar, learned Standing Counsel, who accepts notice on behalf of the respondents would submit that the orders are on merits and in accordance will be passed on the Appeal Memorandaum/representation submitted by the petitioner as early as possible.

5. This Court, taking into consideration the interest of the parties, and without going into the merits of the claim projected by the petitioner, directs the first respondent to consider the Appeal/representation, dated 10.12.2016 on merits and in accordance with law, and pass orders within a period of eight weeks from the date of receipt of a copy of this order, and communicate the decision taken to the petitioner.

6. This Writ Petition is disposed of accordingly. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

सत्यमेव जयते -s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

1. The Chairman Cum Managing Director,
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+1 CC to M/s. G. Bala & Daisy Advocate sr 11243

W.P.No.4339 of 2017

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