

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:28.02.2017
CORAM:
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
W.P.No.4957 of 2017

R.Jeevitha

.. Petitioner

Vs

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The Tahsildar,
Krishnagiri Taluk,
Krishnagiri.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified Mandamus calling for the records relating to the impugned order passed by the first respondent in his proceedings bearing Pa.Mu.18348/2015/A3 dated 30.11.2016 and quash the same and consequently direct the respondent to grant compassionate appointment to the petitioner.

For Petitioner : Mr.M.Ramdoss

For Respondents: Mrs.M.E.Raniselvam,
Additional Government Pleader

O R D E R

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

2. The father of the petitioner, namely K.K.Ramanujam was working as Village Administrative Officer in the office of the second respondent and he died in harness, leaving behind the petitioner as well as his mother. The petitioner, after passing B.E. Degree, got married with one Mr.N.S.Suresh and since her mother is dependent on her, she finds it extremely difficult to take care of her mother. Hence, the mother of the petitioner submitted an application to the respondents dated 13.07.2015, seeking appointment on compassionate ground to the petitioner, commensurate with the qualification, followed by several representations dated 10.08.2015, 28.09.2015 and 05.12.2016 and the request made by her was rejected by the first respondent, vide impugned proceedings dated 30.11.2016 on the ground that the petitioner got married while his father was alive and

challenging the legality of the same, the petitioner has come forward with this writ petition.

3. The learned counsel appearing for the petitioner would submit that the reasons assigned by the first respondent in the impugned order is per se unsustainable in the light of the judgment in B.Saranya v. The Director of Public Libraries, Anna Salai, Chennai [2015 Writ L.R.864], G.Girija v. Assistant Director (Panchayats) Kancheepuram and Others [(2008) 6 MLJ 774] as well as the order dated 11.01.2017 made in W.P.No.25243 of 2014 [Anbuselvi v. The Assistant Divisional Engineer, National Highways, Thiruthuraipoondi, Tiruvarur District] and prays for appropriate orders.

4. Heard Mrs.M.E.Raniselvam, learned Additional Government Pleader who accepts notice on behalf of the respondents.

5. This Court in the judgment in B.Saranya v. The Director of Public Libraries, Anna Salai, Chennai [2015 Writ L.R.864] held that marriage of an individual, especially the daughter is not a bar for considering the application seeking compassionate appointment. In the order dated 11.01.2017 made in W.P.No.25243 of 2014, this Court has considered the said decision and held as follows:

"5. This Court, in the above cited judgment in B.Saranya v. The Director of Public Libraries and another [2015 Writ L.R.864], after referring to the judgments in G.Girija v. The Assistant Director (Panchayats), Kancheepuram District [2008 (5) CTC 686] and Krishnaveni v. Superintending Engineer, Kadampari Electricity Generation Block, Coimbatore District [2013 (8) MLJ 684], has held that marriage of the applicant cannot be a bar to consider the request for appointment on compassionate ground. In the light of the settled position of law, the stand of the respondent in the counter affidavit is untenable."

In the light of the above cited settled legal position, this Court is of the view that the impugned order warrants interference.

6. In the result, this Writ Petition is partly allowed and the impugned order of the first respondent in his proceedings bearing Pa.Mu.18348/2015/A3 dated 30.11.2016 is set aside and the matter is remanded to the first respondent, who shall consider the request made by the petitioner's mother seeking appointment to the petitioner on compassionate ground and 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 and communicate the decision taken, to the petitioner. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

jvm

To

1.The District Collector,
Krishnagiri District,
Krishnagiri.

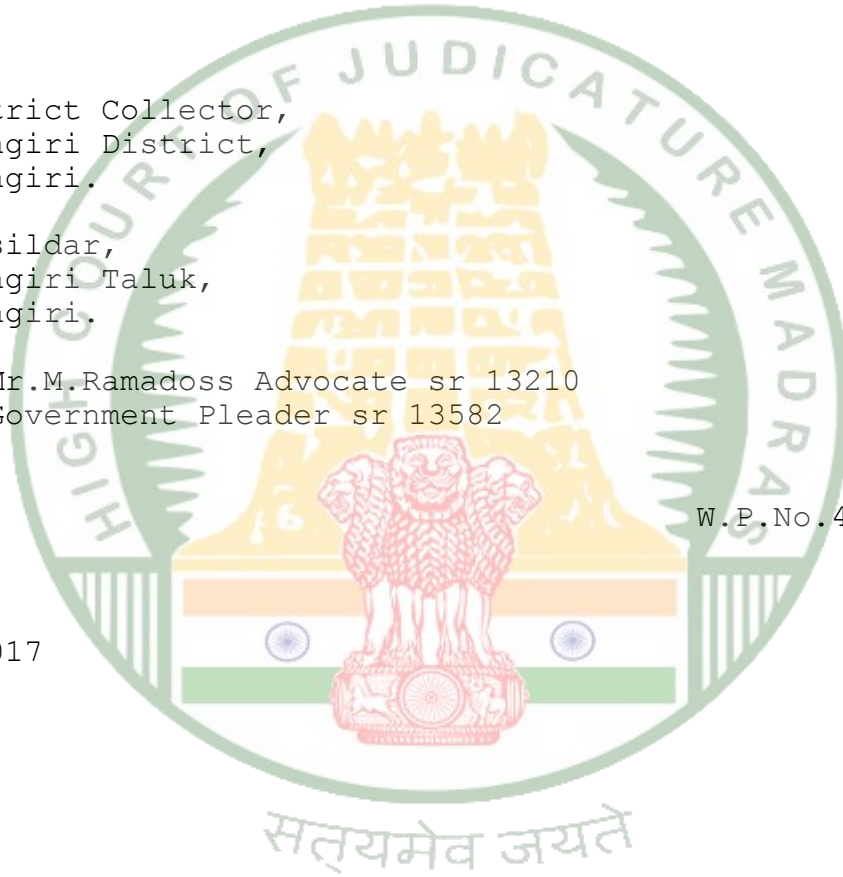
2.The Tahsildar,
Krishnagiri Taluk,
Krishnagiri.

+1 cc to Mr.M.Ramadoss Advocate sr 13210

+1 cc to Government Pleader sr 13582

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