

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2017

CORAM

THE HONOURABLE MR. JUSTICE T. RAJA

W.P.No.31631 of 2017

Nathiya

.. Petitioner

Vs.

1. The District Collector,
Ariyalur District,
Ariyalur.
2. The Revenue Divisional Officer,
Udayarpalayam,
Ariyalur District.
3. The Tahsildar,
Udayarpalayam,
Ariyalur District.

.. Respondents

Writ Petition filed under Article 226 constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to give employment to the petitioner on compassionate grounds on the death of his father while in service pursuant to the representation dated 10.06.2013.

For Petitioner : Mr.R.Balasubramaniam

For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

सत्यमेव जयते
O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st respondent to give employment to the petitioner on compassionate ground on the death of her father while in service pursuant to the representation dated 10.06.2013.

2. According to the petitioner, her father was employed as Village Administrative Officer, Thathanoor Revenue Village and while he was in service, he died on 29.3.1998 due to an accident leaving behind her, her mother and her two brothers as his legal heirs. At that time, she was only 12 years old and her brothers were also so younger to her. Therefore, after attaining the age of majority, she gave a representation to the 3rd respondent

seeking compassionate appointment on the death of her father while in service. But, there was no proper response. The representations given by the petitioner dated 8.10.2012, 24.12.2012 and 10.6.2013 were forwarded to the Tahsildar, Jayankondam by the District Collector, Ariyalur to enquire into the matter and to submit a report through the Revenue Divisional Officer Proceedings dated 21.06.2013. Subsequent to the same, an enquiry was held in the office of the Tahsildar, Jayankondam on 5.7.2013. Since no report was received by the District Collector, Ariyalur, even on reminder on 21.8.2013, the petitioner filed a W.P.No.7162/2014 seeking the very same prayer made in this Writ Petition and the same was later on withdrawn without getting instruction from the petitioner on the ground that the married daughter is not eligible for compassionate appointment.

3. However, according to the petitioner, similar issue has been recently considered by this Court in a case reported in 2015 (3) Law Weekly and this Court has held that denying compassionate appointment to the married daughter is arbitrary and violative of Article 14, 15(1) and 16(2) of the Constitution of India and the same was also confirmed by a Division Bench of this Court in W.A.No.635 of 2015 dated 23.04.2015. Therefore, the present Writ Petition is filed.

4. Heard the learned Counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

5. A perusal of the Legal Heir Certificate issued on ... 4.2003 reveals that the petitioner is having two more brothers. It is not known as to why they have not asked for compassionate appointment. That apart, there is no other Family Income Certificate enclosed. Further, while withdrawing the earlier Writ Petition in W.P.No. 7162/2014, no liberty was given to the petitioner by this Court. Further, the concept of compassionate appointment is to help the family from sudden demise of the breadwinner. But, in the present case, though the father of the petitioner died in the year 1998, after a lapse of two decades, the petitioner has approached this Court for compassionate appointment. Therefore, the question of giving a direction to provide compassionate appointment to the petitioner does not arise.

6. In view of all the above, the Writ Petition fails and the same is accordingly dismissed. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

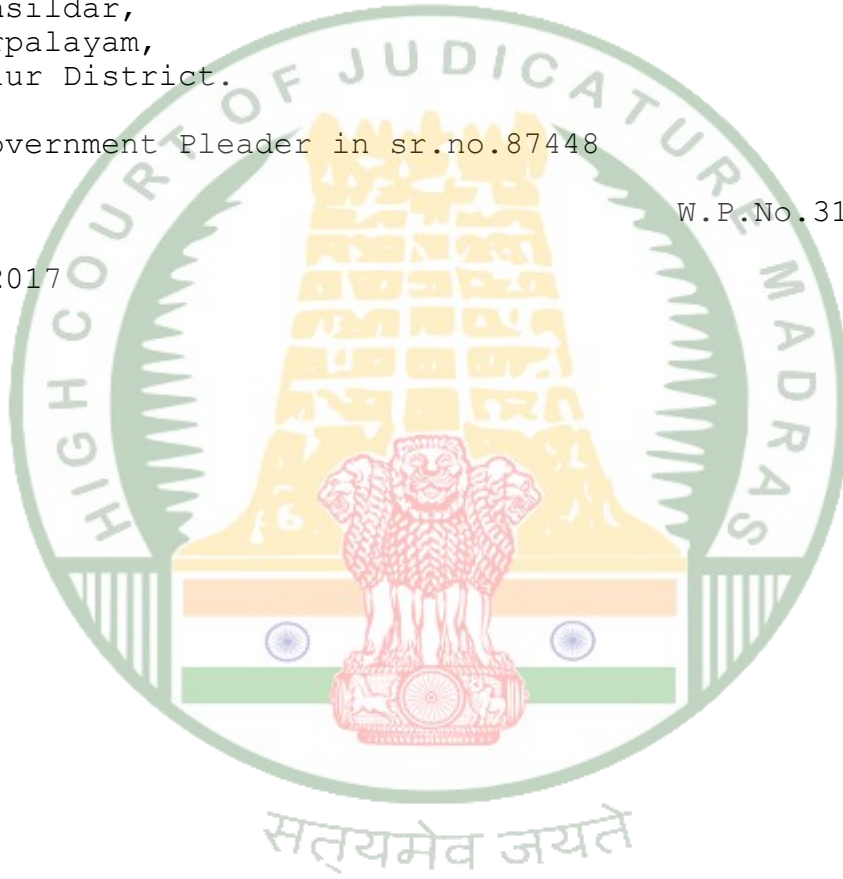
To

1. The District Collector,
Ariyalur District,
Ariyalur.
2. The Revenue Divisional Officer,
Udayarpalayam,
Ariyalur District.
3. The Tahsildar,
Udayarpalayam,
Ariyalur District.

+1cc to Government Pleader in sr.no.87448

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