

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.05.2017

CORAM :

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

WRIT PETITION NO.12715 OF 2017

Selvi. V.Swathi

.. Petitioner

Vs.

1.The Principal Secretary to Government
Rural Development Department
Fort St. George,
Chennai - 600 009.

2.The Director of Rural Development
Saidapet,
Chennai - 600 015.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents herein to consider the petitioner's case as a special one for any kind of compassionate ground appointment with reference to petitioner's age, studies (a pass in H.S.C.C) also considering petitioner belongs to the Schedule Caste Community, etc.

For Petitioner : Mr.A.L.Namasivayam

For Respondent : Mr.K.Thangapandi
Government Advocate

O R D E R

The petitioner seeks compassionate appointment on the demise of her father who was working as a Writer in Vasistapuram Panchayat, Veppur Panchayat Union. She belongs to Scheduled Caste community. She made a representation dated 15.09.2016 to the Hon'ble Chief Minister's Special Cell seeking compassionate appointment. However, her request was rejected vide letter dated 21.11.2016 on the grounds that compassionate appointments were applicable to the Rural Development Department only with effect from 13.07.2015 by virtue of G.O.(Ms) No.102, Rural Development and Panchayat Raj (E5) Department, dated 13.07.2015.

2. Once again the petitioner has made a representation on 01.03.2017 to the respondents seeking reconsideration of her request for compassionate appointment as her family is living in indigent circumstances due to the sudden demise of her father on 29.05.2015.

3. The petitioner has now come up with the present writ petition seeking for a direction to the respondents to consider her case as a special one for any kind of compassionate appointment with reference to her age, studies (a pass in H.S.C.C.) and also considering her communal status that she belongs to Scheduled Caste.

4. Though the Government Order in G.O.(Ms) No.102, Rural Development and Panchayat Raj (E5) Department providing compassionate appointment to the legal heirs of the deceased Panchayat Secretaries in the Village Panchayats, has come into effect on 13.07.2015, the same cannot be applied to the present case on hand, since the very purpose of giving compassionate appointment is to relieve the family from starvation and other difficulties that could be faced by its members due to the sudden death of the breadwinner, who is a Government servant.

5. In the present case, the petitioner's father died on 29.05.2015 and the application for compassionate appointment was also made in time. Once the Government has taken a policy decision to provide compassionate appointment to the legal heirs of the deceased employees, it shall be applied uniformly, otherwise it will be in violation of Article 14 of the Constitution of India.

6. In these circumstances, the respondents are directed to reconsider the application of the petitioner for compassionate appointment, in accordance with the rules, within a period of twelve weeks from the date of receipt of a copy of this order and communicate the result to the petitioner.

7. The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

TK

To

1.The Principal Secretary to Government
Rural Development Department
Fort St. George,
Chennai - 600 009.

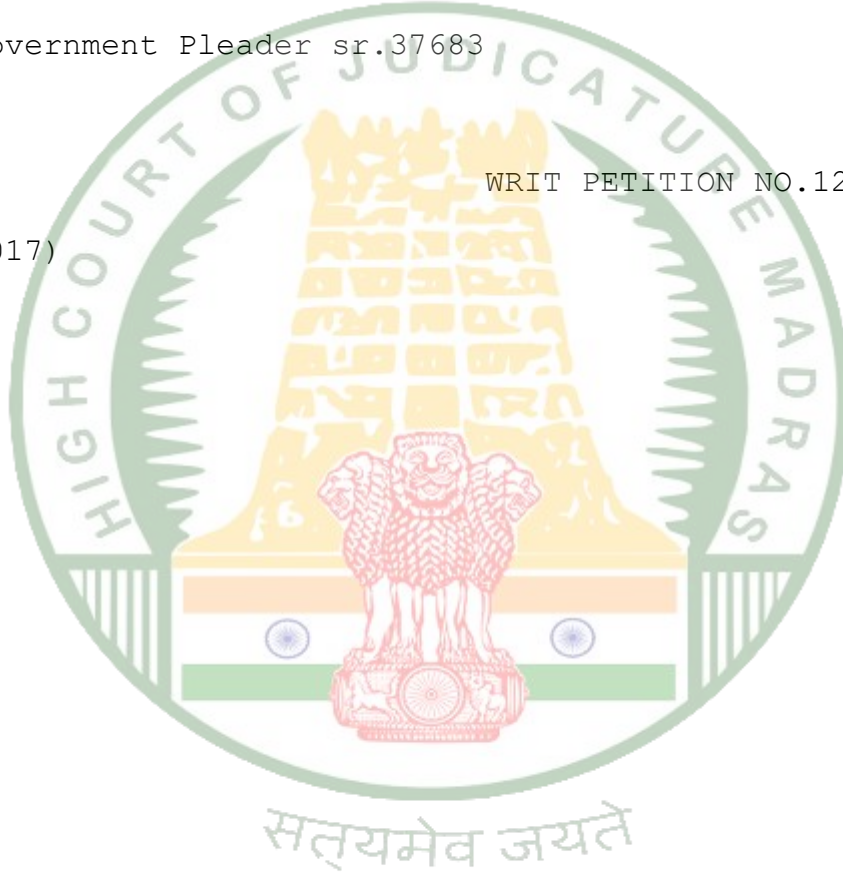
2.The Director of Rural Development
Saidapet,
Chennai - 600 015.

+1cc to Mr.A.L.Namasivayam,Advocate sr.37624

+1cc to Government Pleader sr.37683

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ss(22/5/2017)



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