

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.33270 of 2017

S.Shanthi .. Petitioner

-vs-

1. The Secretary to Government of Tamil Nadu
Municipal Administration and Water
Supply Department
Fort St.George
Chennai 600 009

2. The Director of Town Panchayat
Kuralagam Buildings
Chennai 600 108

3. The Executive Officer
Sholingar Selection Grade Town Panchayat
Sholingar, Vellore District

4. The District Collector
Vellore, Vellore District .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the fourth respondent dated 16.12.2016 issued in Na.Ka.No.2987/2016/Aa and quash the same and consequently to direct the 2 to 4 respondents to reconsider the claim of the petitioner for compassionate appointment in any one of the sanctioned regular vacancy available under the control of the fourth respondent within the stipulated time in terms of G.O. (Ms.) No.78 Labour and Employment (Q1) Department dated 21.04.2017 and the judgment of this Hon'ble Court dated 13.05.2016 passed in W.P.No.40741 of 2015 and the judgment of this Hon'ble Court dated 13.04.2015 passed in W.P.No.10565 of 2015 as well as reported in 2015 (5) CTC page 344.

For Petitioner :: Mr.P.I.Thirumoorthy

For Respondents:: Mr.V.Jayaprakash Narayanan
Special Government Pleader
for R1, 2 & 4
Mr.M.Elumalai
Government Advocate for R3

ORDER

This writ petition is directed against the impugned order dated 16.12.2016, refusing the request of the petitioner for compassionate appointment, on the ground that the petitioner and two of her sisters got married and settled down with their husbands.

2. Learned counsel for the petitioner submitted that the petitioner's father late Chandran was employed as a Sweeper by the third respondent on 30.5.2000 and he was also brought in the regular time scale of pay with effect from 23.6.2006. While serving as a permanent employee in the third respondent Panchayat, he died on 30.5.2013 while in service leaving behind the petitioner and her two sisters. Therefore, an application was moved on 4.9.2014 before the third and fourth respondents seeking compassionate appointment. In the meanwhile, an order was passed by this Court in the case of R.Govindammal v. The Principal Secretary to Government, Social Welfare and Nutritious Meal Programme Department and others, 2015 (5) CTC 344 holding that the married daughters are also eligible to apply for compassionate appointment. Finally, on the repeated requests of the petitioner, the impugned order has been passed rejecting her request for compassionate appointment. The learned counsel further submitted that when the petitioner is living in indigent circumstances even after the death of her father, she is entitled to get compassionate appointment. Adding further, he submitted that during the lifetime of her father, he used to extend financial help to the petitioner. Now in view of his sudden demise on 30.5.2013, the petitioner has been put to grave financial problems. Therefore, the impugned order refusing employment on compassionate ground citing a reason that she is married is wholly misconceived, he pleaded.

3. But I do not find any merit whatsoever in the said contentions. The reason is that after the petitioner lost her parents, she has married and settled down with her husband. Therefore, the purpose for which the compassionate appointment is sought for is no more in existence. Hence, the writ petition is dismissed, as the impugned order is perfectly in order. Consequently, W.M.P.No.36697 of 2017 is also dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ss

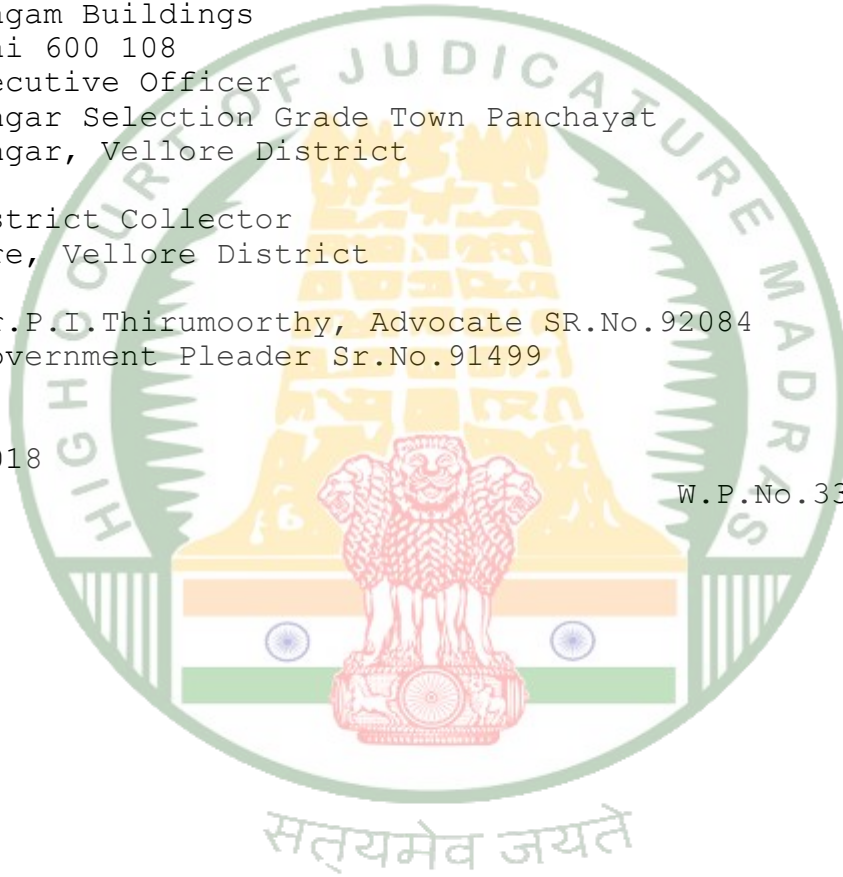
To

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Sholingar, Vellore District
4. The District Collector
Vellore, Vellore District

+1cc to Mr.P.I.Thirumoorthy, Advocate SR.No.92084
+1cc to Government Pleader Sr.No.91499

NM(CO)
sm:10.1.2018

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