

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.13841 of 2017

Mrs.Jenitha

.. Petitioner

Vs

1. The Director,
Treasury and Accounts Department,
Chennai.
2. The Treasury Officer,
District Treasury,
Coimbatore.
3. The Assistant Treasury Officer,
Sub Treasury,
Sulur - 641 402. Coimbatore.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records in Na.Ka.No.27493/2016/Aa2, dated 13.02.2017, passed by the second respondent and quash the same and consequently direct the respondents to appoint the petitioner for any suitable post.

For petitioner : Mr.G.Gnana Banu

For Respondents: Mr.V.Jayaprakash Narayanan, Spl.GP

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O R D E R

By way of filing this writ petition, the petitioner seeks to quash the impugned proceedings dated 13.02.2017 passed by the second respondent / the Treasury Officer, District Treasury, Coimbatore, in and by which, the request of the petitioner to appoint her on compassionate ground was rejected on the ground that she got married before the death of her father / deceased employee.

2. Mr.V.Jayaprakashnarayanan, learned Special Government Pleader takes notice for the respondents and with the consent of the learned counsel appearing on either side, the writ petition itself is taken up for final disposal.

3. Learned counsel for the petitioner submitted that while the petitioner's father-Anbaghagan was working as Office Assistant in the second respondent office, he passed away on 17.10.2015, leaving behind his only daughter/petitioner herein, and her mother also passed away on 24.01.2011. It is also stated that she got married to one Benjamin Rajakumar on 06.09.2006 and thereafter, after the death of her father, she made a representation dated 07.10.2016 to the respondents 1 and 2 requesting appointment on compassionate ground. However, the said representation was rejected by way of the impugned proceedings stating that before the death of her father on 17.10.2015, she got married on 06.09.2006, therefore, such an order passed by the second respondent is not only arbitrary but also in conflict with the equality guaranteed under Articles 14 and 16 of the Constitution of India.

4. This Court is not able to find any merit on the above said contentions. It is not in dispute that the petitioner got married on 06.09.2006 when her parents were alive. After five years from the date of marriage, the petitioner's mother died on 24.01.2011 and again, on 17.10.2015, her father also died, while working as Office Assistant in the second respondent office. Although the petitioner, being the only legal heir, got married on 06.09.2006, it is not known how the petitioner can move an application seeking appointment on compassionate ground, as the concept of appointment on compassionate ground is only to meet the sudden crisis occurring in the family on account of the death of the breadwinner while in service. Therefore, compassionate employment cannot be granted as a matter of course by way of largesse irrespective of the financial condition of the legal heirs of the deceased.

5. In the present case, there is no dependant of the deceased employee while he died on 17.10.2015, as his wife also died well before him i.e. five years back on 24.01.2011. Besides, the petitioner also got married on 06.09.2006, which is admittedly 9 years before the death of her father. It is admitted by the petitioner that her husband is working in a private concern and earning a sum of Rs.10000/- per month. Therefore, in my view, the impugned proceeding of the second respondent rejecting the claim of the petitioner seeking appointment on compassionate ground is perfectly in order.

6. Thus, for the reasons stated above, this Court is inclined to dismiss the writ petition and accordingly, the same is dismissed as devoid of any merit. No Costs.

-s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

1. The Director,
Treasury and Accounts Department,
Chennai.
2. The Treasury Officer,
District Treasury,
Coimbatore.
3. The Assistant Treasury Officer,
Sub Treasury,
Sulur - 641 402. Coimbatore.

+1 CC to Govt. Pleader sr 42821

+1 CC to Ms.G.Gnana Banu, Advocate sr 42865

W.P.No.13841 of 2017

sp(04/07/2017)

सत्यमेव जयते
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