

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20618 of 2015

Tamil Selvi

..Petitioner

Versus

Commissioner,
Coimbatore Corporation,
Coimbatore - 641 001.

..Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 15.06.2015 passed by the respondent in Na.Ka.No.3494/2015/M.C.6, and quash the same and consequently direct the respondents to provide job by appointing the petitioner on compassionate grounds.

For Petitioner :M/s.N.Valliamma

For Respondent :Mr.J.Sathyanarayana Prasad

O R D E R

The relief sought for in this writ petition is seeking compassionate appointment and the order of rejection dated 15.06.2015 is under challenge in this writ petition.

2. On perusal of the order impugned, the respondent rejected the claim of the writ petitioner for compassionate appointment on the ground that the writ petitioner got married and therefore, she is not entitled for compassionate appointment under the scheme.

3. The learned counsel for the writ petitioner submitted that the mother of the writ petitioner was working as a sanitary worker in Coimbatore Corporation and died on 26th January, 2015, while in service. The mother of the writ petitioner was the only breadwinner of the family and the sudden demise caused indigent circumstances to the family of the writ petitioner.

Further, it is contended that father of the writ petitioner also died and the writ petitioner is the only daughter to her parents. It is painful to hear that the husband of the writ petitioner is also a blind person and under these circumstances, the writ petitioner moved this writ petition for seeking compassionate appointment.

4. The application for compassionate appointment was submitted on 14th May, 2015 and the same was rejected on 15.06.2015. The writ petition was filed on 2nd July, 2015 and there is absolutely no delay on the part of the writ petitioner in pursuing her claim for compassionate appointment.

5. The learned counsel appearing for the respondent contended that though the writ petitioner submitted an application for compassionate appointment in time since she got married, her claim was not considered by the respondent. But, it is informed to this Court that the Government has considered these issues elaborately based on the judgment of the Hon'ble High Court, Madras and issued G.O.Ms.No.78, Labour and Employment Department dated 21.04.2017, in which the married daughters are also eligible for compassionate appointment under the scheme.

6. This Court is of the view that the Succession Act was amended and equal rights in partition of property is also extended by the Statute to women. When there is an equal opportunity extended, the respondent cannot deny the opportunity of compassionate appointment under the scheme. When the married son is eligible for compassionate appointment, the same benefit cannot be denied to the female candidate and it amounts to hostile discrimination. Thus, this Court is of the opinion that when the Government is providing employment and compassionate appointment grounds for the married sons, same benefit is to be extended to married daughters also. The only condition imposed was that the married daughter should take care of the parents by filing an affidavit to that effect. But, in the case on hand, both the father and mother of the writ petitioner expired and the question of filing affidavit does not arise at all. This apart, the husband of the writ petitioner is also blind and this Court is able to visualize that only from and out of the income of the writ petitioner, the entire family has to survive.

7. Considering the above facts, this Court is of an undoubted opinion that this is a fittest case for appointing the petitioner on compassionate grounds in any one of the suitable posts. Thus, the respondent is directed to appoint the writ petitioner in any one of the available vacancy on compassionate grounds in commensurate with the educational qualifications of

the writ petitioner, within a period of four weeks from the date of receipt of a copy of this order.

8. Thus, the writ petition stands allowed. However, there is no order as to costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

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To

Commissioner,
Coimbatore Corporation,
Coimbatore - 641 001.

+1cc to Mrs.N.Valliamma, Advocate Sr. 55167

+1cc to Mr.J.Sthya Narayana Prasad, Advocate Sr. 54972

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PVS (CO)
VR(01/09/2017)



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