

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.08.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.15814 of 2017

A.Eswari

.. Petitioner

Versus

1. The Commissioner,
Corporation of Chennai,
Chennai - 600 003.

2. The Zonal Officer
Zone-13,
Corporation of Chennai,
No.115, Dr.Muthulakshmi Salai,
Adayar, Chennai - 600 020.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records of the second respondent herein rejecting the request of the petitioner for compassionate appointment passed in his proceedings M.A.13.H.D.Na.Ka.No.A2/00987/2016 dated 30.11.2016 and quash the same as illegal and consequently direct the respondents herein to appoint the petitioner for suitable job within stipulated period of time fixed by this Court.

For Petitioner : Mr.R.Natarajan

For Respondents : Mr.G.Anantha Rangan

ORDER

The order of rejection rejecting the claim of compassionate appointment in proceedings dated 30.11.2016, is under challenge in this writ petition.

2.The learned counsel appearing for the writ petitioner submits that the father of the writ petitioner Late M.Anbumani was working in Malaria Department and died on 30.05.2015, while he was in service. The application seeking compassionate appointment was filed on 29.09.2015, immediately after the demise of the deceased employee.

3.However, the respondent issued an order of rejection in

proceedings dated 30.11.2016, by stating that the writ petitioner is a married daughter and therefore her case cannot be considered. The Government in this regard, passed an order in G.O.Ms.No.78, Labour and Employment Department dated 21.04.2017, extending the benefit of compassionate appointment scheme to the married daughters also. Thus, the order of rejection passed by the respondents are not in accordance with the terms and conditions of the modified scheme issued by the Government, in this regard. As per the said Government Order cited supra. Even, the married daughters are also eligible for compassionate appointment.

4.In this view of the matter, the order impugned in this writ petition issued by the second respondent in proceedings No.M.A.13.H.D.Na.Ka.No.A2/00987/2016 dated 30.11.2016, is quashed and the respondents are directed to re-consider the case of the writ petitioner for compassionate appointment on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5.Accordingly, the writ petition stands allowed. However, no order as to costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ah/at

To

1. The Commissioner
Corporation of Chennai
Chennai-600 003.

2. The Zonal Officer
Zone-13,
Corporation of Chennai,
No.115, Dr.Muthulakshmi Salai,
Adayar, Chennai-600 020.

+1cc to Mr.R.Natarajan, Advocate, S.R.No.63223
+1cc to Mr.G.Anandharangan, Advocate, S.R.No.63073

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GN(20/09/2017)