

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.25957 of 2017

and W.M.P.No.28990 of 2017

P.Vedavalli [Petitioner]
Vs

- 1 Secretary to Government
Government of Tamilnadu Fort St. George
Chennai-9
 - 2 District Collector
Office of the Collectorate Trichirappalli
 - 3 District Block Development Officer
Panchayat Board, Manikandam,
Srirangam Taluk, Trichy District.
- [Respondents]

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the respondents to act as per the direction given in W.P.No.21690/2015 dated 21.7.2015 by this court and grant employment to the petitioner on compassionate ground in the office of Kozhukkattaikudi Panchayat Union in the place of the petitioner's husband Mr.Pasupathi who died in harness.

For Petitioner : Ms.Shobana Ramasubramanian

For Respondents : Mr.V.Jayaprakash Narayanan, SGP

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O R D E R

Heard the learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents.

2. It is a case where the petitioner's husband late S.Pasupathi, while serving as a Noon Meal Organizer at Kozhukkattaikudi Panchayat Board Elementary School at Tiruchirappalli District, died on 17.07.2011, leaving behind the petitioner and two

daughters as his legal heirs and therefore, she made an application on 21.11.2011 to the District Block Development Officer, Panchayat Board, Manikandam, Srirangam Taluk, Trichy District, seeking appointment on compassionate grounds. Finally, finding no response, the petitioner, came to this Court and obtained an order dated 21.07.2015 in W.P.No.21690 of 2015, wherein, this Court had directed the District Collector, Tiruchirappalli to consider the case of the petitioner and do the needful. Again, finding no response, the petitioner has visited this Court with the present writ petition seeking one more mandamus directing the respondents to act as per the direction given in W.P.No.21690/2015 dated 21.7.2015 by this Court and grant employment to her on compassionate ground in the office of Kozhukkattaikudi Panchayat Union in the place of her husband Mr.Pasupathi, who died in harness.

3. This Court, considering the plight of the petitioner, who is a poor widow, lost her husband and compelled to take care of her two daughters and other family responsibilities, directed the District Collector, Tiruchirappalli on 04.10.2017 to appear before this Court to explain as to why action should not be taken against him for non compliance of the order passed by this Court.

4. Today, a miscellaneous petition in W.M.P.No.28990 of 2017 has been filed seeking an order to dispense with the appearance of the District Collector, Tiruchirappalli on the ground that for celebrating Dr.MGR centenary celebrations on 26.10.2017 to be held at Tiruchirappalli District, meetings are to be held today with various departments and therefore, his presence is essentially required to be present on 23.10.2017 in the meetings and hence, the Personal Assistant (Noon Meal) to the Collector, has been deputed to appear in his place before this Court.

5. Accordingly, Mr.D.Baskar, Personal Assistant to Collector (Noon Meal), Tiruchirappalli, is present before this Court.

6. The learned Special Government Pleader appearing for the respondents submitted that since the District Collector has been pre-occupied with the meetings to be held today, he is unable to leave the station and therefore, except today i.e, 23.10.2017, he is ready to appear before this Court on any day. The learned Special Government Pleader also submitted that the order passed by this Court has been duly complied with and the petitioner has been issued with the order of appointment and she has also joined duty at Panchayat Union Elementary School, Oolaiyur.

7. The learned counsel appearing for the petitioner submitted that had the District Collector taken sufficient and proper steps in the year 2015, the poor lady would have taken care of the family without facing agony and distress.

8. The learned Special Government Pleader appearing for the respondents explaining the steps taken by the District Collector

submitted that immediately after the order passed by this Court in the first writ petition viz., W.P.No.21690 of 2015 dated 21.07.2015, a proposal has been sent seeking exemption to her age, since she had reached the age of 50 years, since G.O.Ms.No.163, Social Welfare and Noonmeal Scheme (NMP-2) Department dated 18.08.2010 has prescribed the age limit of 20-40 for the widow. Again, after receiving the communication from the Social Welfare Department, the District Collector, wrote another letter dated 24.04.2017, which is six months prior to the passing of the order of this Court on 04.10.2017 in the present writ petition and hence the above communications would make it very clear that the District Collector had taken sufficient steps to provide employment to the writ petitioner.

9. On the other hand, the learned counsel for the petitioner submitted that even the proceedings dated 29.01.2009 shows that the department should have taken necessary steps for getting exemption at the time of receiving the application, the relevant portion of which is as under:-

“3. கருணை அடிப்படையிலான பணி நியமனங்களுக்கு கல்வித் தகுதி. கூயது. தூரச்சுற்றளவு. பெண் வாரிசு இல்லாத நிலையில் ஆண் வாரிசுதாரர்களுக்கு பணி வழங்குதல் போன்ற நேர்வுகளுக்கு விதித் தளர்வுகள் ஏதம் தேவைப்படின் அரசுக்கு தக்க முன்மொழிவுகளை அனுப்பி அரசின் முன் அனுமதி பெற வேண்டும் என்றும் ஆணையிடப்பட்டுள்ளது”.

10. I too agree with the submissions of the learned counsel for the petitioner that the District Collector could have taken the same effort in 2015-16 seeking an order granting exemption to her age limit for her appointment. That apart, as rightly pointed out by the learned counsel for the petitioner, the authorities could have taken necessary steps for getting exemption as and when the application for compassionate appointment is received, but that has not been done in the present case. However, at least now, an order of appointment has been issued and the petitioner had also joined duty.

11. In view of the fact that the order of this Court has been complied, the writ petition stands disposed of. Further, being satisfied with the reasons stated in the affidavit filed in support of the miscellaneous petition, the miscellaneous petition to dispense with the appearance of the District Collector is ordered. No costs.

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Sd/-
Asst.Registrar
/true copy/

Sub Asst. Registrar

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To

- 1 Secretary to Government
Government of Tamilnadu Fort St. George
Chennai-9
- 2 District Collector
Office of the Collectorate Trichirappalli
- 3 District Block Development Officer
Panchayat Board, Manikandam,
Srirangam Taluk, Trichy District.

+1 CC to Ms.B.Sumithra, Advocate vide Sr.74510

+1 CC to Mr.V.Jayaprakash Narayanan, Advocate Vide Sr.74799

+1 CC to The Government Pleader Vide Sr.75298

CO-GJ

ths : 22.11.2017



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