

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.08.2017

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.36515 OF 2015

S.Archana .. Petitioner

Vs

1.The State of Tamilnadu
rep. by its Secretary to Government
Labour and Employment Department
Secretariat, Fort St. George,
Chennai-600 009

2.The Director
Collegiate Education
Chennai 600 006.

3.The Principal
Periyar Arts College
Cuddalore 607 001.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of certiorarified mandamus, to call for the records relating to the impugned order passed by the second respondent in proceedings Oo.Mu.No.5684/B2/2015 dated 07.04.2015, quash the same and direct the respondents to appoint the petitioner on compassionate appointment in any suitable job.

For Petitioner : Mrs.Anitha
for M/s S.Ramasamy Law Asso.

For Respondents : Mr.K.Dhananjayan

Spl.Govt.Pleader.

ORDER

The Writ Petition has been filed challenging order passed by the second respondent in proceedings Oo.Mu.No.5684/B2/2015 dated 07.04.2015, and to direct the respondents to appoint the petitioner on compassionate appointment in any suitable job.

2.The father of the writ petitioner was working as Store Keeper, Chemistry Department under the third respondent and died on 08.03.2014, while he was on duty. Immediately, after the demise of the employee, the family of the writ petitioner was in indigent circumstances and hence, the writ petitioner filed an application seeking compassionate appointment on 04.02.2015. The said application was rejected on the ground that the writ petitioner got married and therefore, the application for compassionate appointment cannot be considered.

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3.The learned counsel appearing for the writ petitioner brought to the notice of this Court that G.O.Ms.No.78 Labour and Employment Department dated 21.4.2017, issued guidelines to consider the case of the married daughters also for compassionate appoint. In

paragraph No.9.2 of the said G.O., reads as follows:

(9.2) இறந்த அரசு ஊழியரின் திருமணமான பெண் வாரிசுகளாரர்களின் கருணை அடிப்படையிலான பணி நியமனக் கோரிக்கை மனு, உரிய மூன்றாண்டு காலத்திற்குள் வழங்கப்பட்டு, நிராகரிக்கப்பட்டிருப்பின் அதன் மீது நீதிமன்றத்தில் வழக்கு தொடுத்து நிலுவையில் உள்ள இனங்களையும், அவ்வாறு நிராகரிக்கப்பட்டு, நீதிமன்றம் செல்லாமல் அரசு அலுவலகங்களில் மேல்முறையீடு நிலுவையில் இருக்கும் இனங்களையும் கருணை அடிப்படையிலான பணிநியமனத்திற்குரிய அனைத்து தகுதிகளையும் நிறைவு செய்யும்படி சத்தில் பணிநியமனம் வழங்க பரிசீலனை செய்யலாம்.

4.In view of the Government Order in this regard for providing compassionate appointment even for the married daughters, the impugned order in this Writ Petition is liable to be set aside.

5.Accordingly, the Writ Petition is allowed and the impugned order passed by the second respondent in proceedings Oo.Mu.No.5684/B2/2015 dated 07.04.2015, is set aside and the respondents are directed to reconsider the case of the writ petitioner for appointment on compassionate grounds, in accordance with the scheme as well as under the Rules and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

29.08.2017

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To

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