

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2017

CORAM:

THE HON'BLE MR. JUSTICE NOOTY. RAMAMOHANA RAO
and
THE HON'BLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. No.7909 of 2015 and M.P. Nos.1 & 2 of 2015
W.P. No.21449 of 2015

P. Kamatchi Petitioner in WP No.7909 of 2015

S. Vinothini Petitioner in WP No.21449 of 2015

vs.

1 The State of Tamil Nadu
represented by its Secretary
Labour & Employment Department
Fort St. George
Chennai 600 009

2 The Principal District Judge
Combined Court Complex
Chengalpattu 603 002
Kanchipuram District Respondents in WP No.7909 of 2015

1 The Principal District Judge
Thiruvarur

2 The Registrar General
High Court
Chennai 600 104 Respondents in WP No.21449 of 2015

Prayer in W.P. No.7909 of 2015:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records of the first respondent in G.O. Ms.No.560, Labour & Employment Department dated 03.08.1977 and quash clause (2) insofar as it restricts the definition of "near relative" to include only the wife/husband/son/unmarried daughter of the Government servant who died in harness insofar as the petitioner is concerned and the records of the second respondent in the consequential order dated 20.02.2015 in A.No.578/2014, quash the same and consequently, direct the second respondent to appoint the petitioner in a post suitable to her educational

qualification on a compassionate basis as a result of the death of her father.

Prayer in W.P. No.21449 of 2015:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records relating to the official memorandum of the first respondent in D.No.220/2015 dated 19.01.2015 returning the application dated 08.09.2014 of the petitioner for compassionate appointment and quash the same and consequently, directing the first respondent to appoint the petitioner on compassionate ground.

For petitioner in
WP No.7909 of 2015 Mr. A. Jenasenan

For R1 in
WP No.7909 of 2015 Mr. S. Babu, Govt. Advocate

For R2 in
WP No.7909 of 2015 Mr. P.K. Rajagopal

For petitioner in Mr. R. Saravanakumar
WP No.21449 of 2015

For respondents in Mr. R. Tholgappian
WP No.21449 of 2015

COMMON ORDER

(Common order of the Court was made by NOOTY. RAMAMOHANA RAO, J.)

In view of commonality of the issue involved, both the writ petitions are considered and decided by this common order.

2 The question that is raised in these writ petitions relates to eligibility of a married daughter to seek appointment on compassionate ground upon the death of the breadwinner of the family.

3 We are now informed at the Bar that the State Government, pursuant to the order dated 17th April 2014 passed by this Court in W.P.No.14341 of 2012, have considered the entire matter afresh and taken a decision through their G.O. (Ms.). No.78, Labour and Employment (Q1) Department dated 21.04.2017 that even a married daughter is entitled to be considered for appointment on compassionate ground, apart from the other eligible members of the family.

Therefore, both these writ petitions stand disposed of with

a direction to the respondents to consider the case of the writ petitioners afresh, in the light of and in accordance with G.O (Ms.) No.78, Labour and Employment (Q1) Department dated 21.04.2017 and take appropriate decision as expeditiously as possible, preferably within a maximum period of two months from the date of receipt of a copy of this order. Costs made easy. Connected M.Ps. are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

1 The Secretary
Labour & Employment Department
Government of Tamil Nadu
Fort St. George
Chennai 600 009

2 The Principal District Judge
Combined Court Complex
Chengalpattu 603 002
Kanchipuram District

3 The Principal District Judge
Thiruvarur

4 The Registrar General
High Court
Chennai 600 104

+1cc to Mr.A.Jenasenan, Advocate, S.R.No.42729

+1cc to Mr.R.Saravanan, Advocate, S.R.No.42691

+1cc to the Government Pleader, S.R.No.42393

SCD(CO)
RS(29/06/2017)

W.P. Nos.7909 & 21449 of 2015