

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24943 of 2016

Selvi

...Petitioner

/versus/

1. The Director of Town Panchayats,
Kuralagam Buildings, Chennai - 108.

2. The Executive Officer,
Tirumalaiyampalayam Town Panchayat,
Coimbatore District.

...Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India pleaded to issue a writ of mandamus to direct the 1st and 2nd respondents to regularize the service of deceased husband of the petitioner from the date (10.07.2003) on which he completed three years consolidated pay service in terms of G.O.Ms.No.198 MAWSS (TP-1) Department dated 26.10.1998 & G.O.M.S.No.142 MAWSS (TP-1) dtaed 23.09.2015 and consequently to direct the 1st and 2nd respondents to grant pay arrears of the petitioner's husband including regular Pension by counting 50% of the past service and consequently to direct the 1st and 2nd respondents to consider the petitioner's claim for compassionate appointment to her son namely Manikandan based on his eligibility within the stipulated time limit.

For Petitioner : Mr.P.I.Thirumoorthy

For Respondent 1 : Mr.K.Dhananjayan,
Spl.Govt.Pleader

For Respondent 2 : Mr.A.Rajaperumal

O R D E R

Though the relief sought for in this writ petition is for regularization of the service of the husband of the writ petitioner who died while in service on 10.07.2003 and the writ petitioner seeks for appointment on compassionate grounds.

2. The learned counsel appearing for the writ petitioner states that the period of service rendered by the husband of the writ petitioner has not been regularized in spite of the Government Order passed in G.O.Ms.No.142, MAWSS (TP-1) dated 23.09.2015. Due to the non regularization of the service of the husband of the writ petitioner, the writ petitioner is unable to get full pensionary benefit as well as the benefit of compassionate appointment scheme. Thus, only after passing orders on regularisation of service, the question of claiming other benefits will arise.

3. This Court is of the opinion that the permanent employees alone are eligible for availing benefit of compassionate appointment scheme. In this view of the matter, the second respondent is directed to consider the representation dated 24.04.2016 submitted by the writ petitioner taking in to account G.O.Ms.No.142, MAWSS (TP-1), dated 23.09.2015 and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of the copy of this order.

4. Accordingly, this writ petition stands disposed of. However, there is no order as to costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

सत्यमेव जयते

rna

To

1. The Director of Town Panchayats,
Kuralagam Buildings, Chennai - 108.

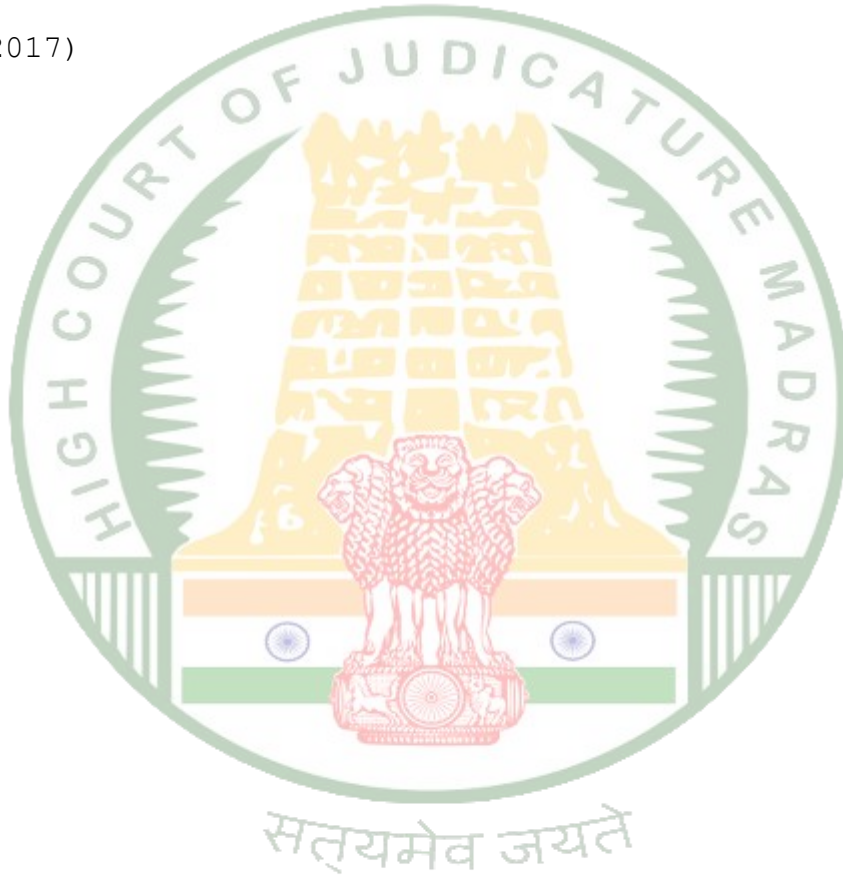
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2. The Executive Officer,
Tirumalaiyampalayam Town Panchayat,
Coimbatore District.

+1cc to Mr.P.I.Thirumoorthy, Advocate Sr. 62753
+1cc to the Government Pleaser, Sr. 63063

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KS (CO)
VR(19/09/2017)



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