

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.11.2017

CORAM

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

W.P.No.25099 of 2016

J.Anitha

..Petitioner

vs

1.The Principal Secretary/Commissioner
of Commercial Taxes,
Secretariat, St.George Fort,
Chennai - 600 009.

2.The Joint Commissioner,
Commercial Taxes,
Coimbatore.

3.The Deputy Commissioner,
Commercial Taxes,
Pollachi, Coimbatore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order bearing No.A2/831/2016 dated 18.04.2016 issued by the 2nd respondent and quash the same and consequently direct the respondents 1 and 2 to provide appointment to the petitioner on compassionate ground.

For Petitioner : M/s.K.Samidurai

For Respondents : Mrs.Narmadha Sampath
Special Government Pleader
(Forests)

O R D E R

The relief sought for in this writ petition is to quash the order of rejection passed by the 2nd respondent in proceedings dated 18.04.2016 and to direct the respondents 1 and 2 to provide appointment to the writ petitioner on compassionate grounds.

2.The learned counsel appearing for the writ petitioner made a submission that the father of the writ petitioner was employed as an Assistant in the office of the Assistant Commissioner,

Commercial Taxes, Udumalpet North circle, Coimbatore and passed away on 30.08.2015 while he was in service.

3.The mother of the writ petitioner submitted an application to the 2nd respondent on 29.01.2016, seeking appointment on compassionate grounds. However, the application was rejected in proceedings dated 18.04.2016 on the sole ground that the writ petitioner is a married daughter and therefore, her application cannot be considered.

4.This Court is of the opinion that the Government itself has revised the earlier Government Order and issued G.O.Ms.No.78, Labour and Employment (Q1) Department dated 21.04.2017. The said Government Order was based on the order passed by this Court in W.P.No.14341 of 2012 dated 17.04.2014, when the married son is eligible to seek appointment on compassionate grounds, the same benefits cannot be denied to the married daughters. There cannot be any gender discrimination between the married son and the married daughter of the deceased employee. Accepting the said principles, the Government issued the above G.O.Ms.No.78, Labour and Employment (Q1) Department dated 21.04.2017. This Government Order states that the cases of the married daughters are also to be considered for compassionate appointment. Accordingly, the impugned order passed by the 2nd respondent in proceedings dated 18.04.2016 is quashed and the respondents are directed to reconsider the case of the writ petitioner for appointment in suitable post on compassionate grounds in accordance with rules and pass appropriate orders in this regard 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, there shall be no order as to costs.

s/d-

Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

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To

1.The Principal Secretary/Commissioner
of Commercial Taxes,
Secretariat, St.George Fort,
Chennai - 600 009.

2.The Joint Commissioner,
Commercial Taxes,
Coimbatore.

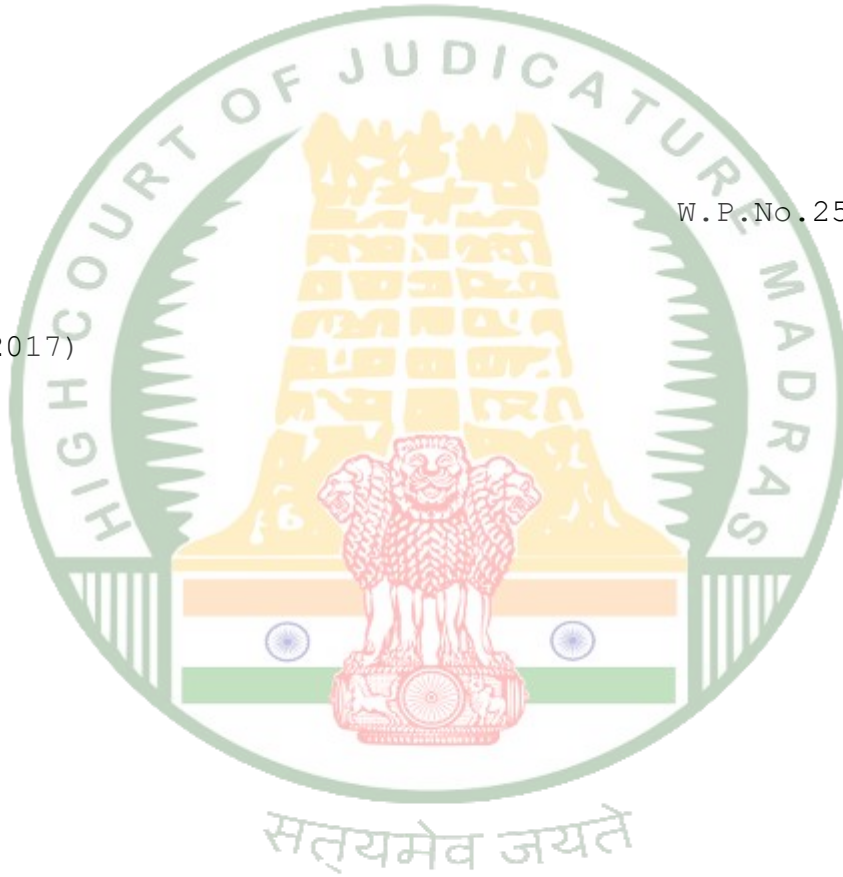
3.The Deputy Commissioner,
Commercial Taxes,
Pollachi, Coimbatore District.

+1 CC to Mr.K. Balaji, Advocate sr 78806.

+1 CC to Govt. Pleader sr 78619.

W.P.No.25099 of 2016

KS(CO)
SP(21/11/2017)



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