

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.08.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.4142 of 2016
and
W.M.P.No.3472 of 2016

R.Suma

.. Petitioner

Versus

The District Collector (PD Section)
Krishnagiri District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the respondent herein in proceedings bearing O.Mu.No.24868/2015/M3, dated 29.09.2015 and quash the same and further direct the respondent to consider the claim of the petitioner for compassionate appointment as her husband died in harness as Panchayat Secretary on 05.03.2015 in any one of the suitable post as mentioned in G.O.Ms.No.102 Rural Development and Panchayat Raj (E5) Department dated 13.07.2015.

For Petitioner : Mr.V.Suthakar

For Respondent : Mr.K.Dhananjayan
Special Government Pleader

सत्यमेव जयते
O R D E R

The order of rejection dated 29.09.2015, is under challenge in this writ petition, in relation to the claim of compassionate appointment made by the writ petitioner.

2.The husband of the writ petitioner was employed as Secretary (Panchayat) and died on 04.03.2015, while he was in service. The application seeking compassionate appointment was filed on 29.06.2015. The Government issued an order in G.O.Ms.No.102, Rural Development and Panchayat Raj (E5) Department dated 13.07.2015, extending the scheme of compassionate appointment to the legal heirs of the deceased Panchayat Secretaries in the Village Panchayats. Accordingly,

the writ petitioner is also eligible for consideration under the scheme of compassionate appointment. However, the order of rejection was passed on 29.09.2015, holding that the scheme of compassionate appointment is not applicable to the legal heirs of the deceased employees, who died prior to the issuance of the said Government Order. The Government Order states that the said scheme was extended to the legal heirs of the deceased Panchayat Secretaries and the order shall take effect from the date of issuance of the order. The date of issue of G.O.Ms.No.102 was 13.07.2015. However, the order impugned was passed on 29.09.2015, after the issuance of the above said Government Order. Thus, the respondents ought to have considered the case of the writ petitioner in the light of the Government Order dated 13.07.2015, passed in G.O.Ms.No.102.

3.The date of death of the deceased employee was not prescribed as a cut off date in the Government Order and therefore, the scheme of compassionate appointment cannot be restricted only to the deceased employees, where the date of death falls after the issuance of the said G.O.Ms.No.102. This being the view of this Court, the order impugned passed by the respondent in proceedings dated 29.09.2015, is quashed and the respondent is directed to re-consider the application submitted by the writ petitioner seeking compassionate appointment on merits and in accordance with law and pass orders, within a period of twelve weeks from the date of receipt of a copy of this order.

4.With these observations, the writ petition stands allowed. However, there is no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

सत्यमेव जयते
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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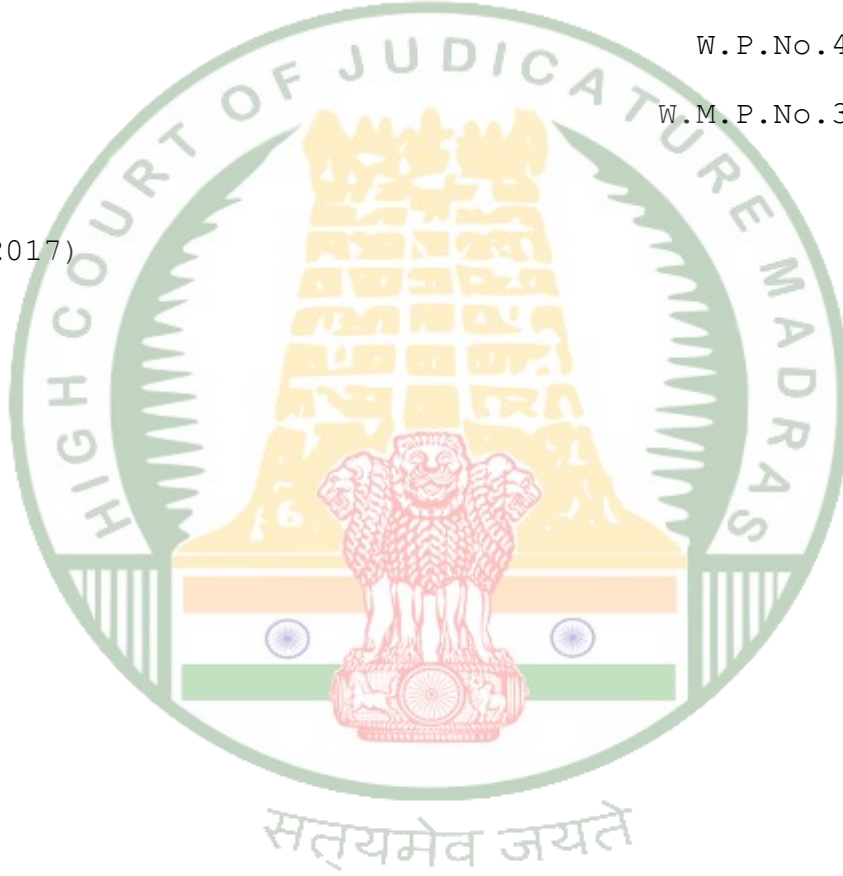
To

The District Collector (PD Section)
Krishnagiri District,
Krishnagiri.

+lcc to the Government Pleader Sr. 63569
+lcc to Mr.V.Suthakar, Advocate Sr. 63426

W.P.No.4142 of 2016
and
W.M.P.No.3472 of 2016

RSI (CO)
VR(03/10/2017)



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