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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.04.2017
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. (MD) No.1125 of 2014
and
M.P. (MD) No.2 of 2014

- 1.The Government of Tamil Nadu,
represented by its Home Secretary,
Fort St.George, Chennai-600 009.
(Deleted as per order dated 17.02.2014
made in M.P.(MD)No.1 of 2013)
 - 2.The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai-600 004.
 - 3.The Deputy Inspector General of Police,
Madurai Range, Madurai.
 - 4.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- .. Appellants/Respondents

-vs-

R.Saravanakumar .. Respondent/Petitioner

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent against the order passed by this Court dated 17.02.2014 in W.P. (MD)No.3332 of 2011.

Prayer in WP(MD). 3332/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned order passed by the 4th Respondent in Na.ka.A1(3)/61398/1240/2010 dated 08/01/2011 and quashes the same and consequently direct the Respondentsw no. 3 and 4 to give the compassionate Appointment to the petitioner .



For Appellants

: Mr.S.Chandrasekar
Government Advocate

For Respondent

: Mr.S.Selvakumar

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J U D G M E N T

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard the learned Government Advocate appearing for the appellants and the learned Counsel appearing for the respondent.

2. This Writ Appeal is preferred by the Government and three others against the order passed in W.P.(MD)No.3332 of 2011, dated 17.02.2014.

3. The writ petitioner is the son of S.Rajagopal who was working as Special Sub-Inspector of Police in the Tamil Nadu Police Service. He had filed the writ petition challenging the order passed by the fourth appellant dated 08.01.2011 rejecting the request for grant of appointment on compassionate grounds. The case on hand is a very peculiar case and rarely this Court has come across such situation where the son of former employee has approached the Court seeking compassionate appointment on the ground that his father had become medically invalidated and consequently was permitted to go on voluntary retirement and thereafter died. The appellants have denied the appointment on compassionate ground on technicalities viz., by referring G.O.Ms.No.168.

4. The Writ Court, after considering the entire factual matrix, pointed out that the writ petitioner's father has not completed 53 years of age on the date of accident and G.O.Ms.No.168 is applicable to the writ petitioner and therefore, the benefit of compassionate appointment should be granted to him. Furthermore, it was observed that the Government Order itself must give the benefit to the legal heir of the deceased employee and if any other interpretation is given, the very purpose of issuing the Government Order would be defeated.

5. At this stage it will be relevant to take note of the decision of the Honourable First Bench of this Court in **Tamil Nadu State Transport Corporation (Kumbakonam Division-I) Limited, Kumbakonam Vs. Lalitha** reported in **2005(2) CTC 246**, wherein the Honourable First Bench considered a case of the widow who sought for compassionate appointment as her husband was compulsorily retired on medical grounds in the year 1995. The First Bench, after taking into consideration the decision in the case of **Transport Corporation of India Vs. Employees' Insurance Corporation** reported in **2000(1) SCC 332** and two other decisions



held that the widow of the employee is entitled to the benefit of compassionate appointment. At this stage, it is beneficial to refer the operative portion of the above said decision which is as follows:

"7. In Transport Corporation of India v. Employees

Insurance Corporation, the Supreme Court observed that beneficial legislation should be given a liberal and not a technical or narrow interpretation. If two interpretations are possible, then the one in favour of the employee should be preferred.

8. In B.D. Shetty v. CEAT Limited, , the Supreme Court observed: -

" One must not lose sight of the fact that the Act is a beneficial piece of legislation and the provision of subsistence allowance made is intended to serve a definite purpose of sustaining the workman and his family members during the bad time when he is under suspension, pending inquiry. This provision is enacted with a view to ensure social welfare and security. Hence, such a beneficial piece of legislation has to be understood and construed in its proper and correct perspective so as to advance the legislative intention underlying its enactment rather than abolish it. Assuming two views are possible, the one, which is in tune with the legislative intention and furthers the same, should be preferred to the one which would frustrate it."

9. In Secretary, H.S.E.B. v. Suresh, , the Supreme Court observed: -

" Needless to note at this juncture that the Contract Labour (Regulation and Abolition) Act being a beneficial piece of legislation as engrafted in the statute-book, ought to receive the widest possible interpretation in regard to the words used and unless words are taken to their maximum amplitude, it would be a violent injustice to the framers of the law. As a matter of fact the law is well settled by this Court and we need not dilate much by reason therefore to the effect that the law courts exist for the society and in the event of there being a question posed in the matter of interpretation of a beneficial piece of legislation, question of interpreting the same with a narrow pedantic approach would not be justified. On the contrary, the widest possible meaning and amplitude ought to be offered to the expressions used as otherwise the entire legislation would lose its efficacy and contract labour would be left at the mercy of the intermediary."

<https://hcservices.courts.gov.in/hcservices/> The respondent's husband had no doubt worked for more than 240 days before his demise. In fact he had worked for



16 years. Hence, in our opinion, the respondent (his widow) is entitled to the benefit of the said G.O. There is no force in this appeal and it is dismissed. Consequently WAMP No. 682 of 2005 is also dismissed."

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6. Thus for the above reasons, we find no ground to interfere in the order and directions issued in the writ petition. Accordingly, the Writ Appeal stands rejected and the same is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To:

1.The Secretary to Government of TamilNadu,
Home Department, St George, Chennai-9.

2.The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai-600 004.

3.The Deputy Inspector General of Police,
Madurai Region, Madurai.

4.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

+1 CC to M/s. S.SELVAKUMAR, Advocate, SR No. 53383

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 53141

SSL

PSM/MMS/04.05.2017/4P/7C

W.A.(MD) No.1125 of 2014

19.04.2017