



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.04.2017

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CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

W.A.(MD) No.212 of 2017
and
C.M.P.(MD) .No.2172 of 2017

The District Collector,
Virudhunagar District,
Virudhunagar.

... Appellant/Respondent

Vs.

T.Pushparani

... Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order, dated 10.02.2015, made in W.P.(MD).No.6435 of 2014.

Prayer in WP(MD). 6435/ 2014 :

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 passed by the respondent herein in Na.Ka. P3 7252/2008-1 dated 24.12.2008 and Na.Ka. No. 45302/2013/P3 dated 06.11.2013 and quash the same and consequently direct the respondent herein to consider the case of the petitioner for appointment on compassionate grounds.

For Appellant : Mr.V.Muruganandham
Addl. Govt. Pleader

For Respondent : Mrs.M.Padmavathy

JUDGMENT

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

the respondent.

2. This appeal is by the District Collector, Virudhunagar District challenging the order passed in W.P(MD)No.6435 of 2014, dated 10.02.2015. The respondent/writ petitioner challenged the order passed by the appellant, dated 24.12.2008 rejecting the claim made by the respondent for grant of appointment of compassionate ground. The only reason for rejection of the application is on the ground that the respondent/writ petitioner was married women and therefore, she cannot be granted on the compassionate ground on the demise of her father.

3.The learned Single Judge took the consideration the earlier decision of this Court in the case of **G.Girija -vs-Assistant Director (Panchayats) Kancheepuram and others reported in 2008-6-MLJ 774** and the order passed by the Division Bench in **W.P.No.18916** and the decision of the Division Bench in the case of **P.R.Renuka -vs- Director of Animal Husbandry, Central Government Office Buildings, Chennai-6 and others reported in 2014(8) MLJ 268** and allowed the writ petition and set aside the order impugned therein and directed the appellant to consider the respondent's application for seeking compassionate appointment within a time frame.

4.The learned Additional Government Pleader appearing for the appellant submitted that the G.O.Ms.No.96, Labour and Employment Department, dated 18.06.2012, prohibits the married daughter from getting an appointment of compassionate ground and the cut of date is fixed by the Government in the said order and admittedly, the respondent will not be qualified to get the appointment of compassionate ground in the terms of the conditions contained in the said Government Order. The submission made by the appellant has to be necessarily failed for the reason that the said G.O.Ms.No.96, dated 18.06.2012 was quashed by this Court in W.P.No.33305 of 2013, dated 10.07.2014 as being irrational. The appeal has been filed against the said order before the Division Bench in W.A.No.75 of 2016 was dismissed by the Division Bench, by the judgment dated 25.01.2016. Therefore, the appellant cannot rely upon the G.O.Ms.96 Labour and Employment Department, dated 18.06.2012.

5.Heard the matter on previous occasion, we directed the respondent to produce the record to prove the financial status of the respondent as on date. Accordingly, the certificate issued by the Revenue Tahsildar, Karur, dated 19.04.2017 has been produced. From which, it is seen that the respondent/writ petitioner family is below the poverty line. Thus, the officials were satisfied that the respondent continues to remain in indigent circumstances, even as on date. Thus for all the above reasons, we find no grounds to interfere with the order passed in the writ petition. The Writ



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3

Appeal is fails and dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

The District Collector,
Virudhunagar District,
Virudhunagar.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 53991

AM/TSG

TE/MMS : 09/05/2017 : 3P/3C

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C.M.P. (MD) .No.2172 of 2017
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