



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2017

CORAM:

WEB COPY

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

W.A.[MD].No.279 of 2017

S.Arockia Selvi,

: Appellant

Vs.

1. The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Madurai Region, Madurai.

2. The Chairman,
Tamil Nadu Civil Supplies Corporation,
No.12 Thambusamy Road,
Kilpauk, Chennai.

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 20.01.2017 made in W.P.(MD).No.11064 of 2015 on the file of this Court.

Prayer in WP(MD) . 11064/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the records on the file of the 1st respondent relating to the impugned order in Na.Ka.No.E2/9280/12 dated 14.01.2015 and quash the same and consequently directing the respondents to consider and appoint the petitioner on compassionate basis in any suitable regular post within the time frame fixed by this Honble Court.

For Appellant : Mr.K.Muthumalai

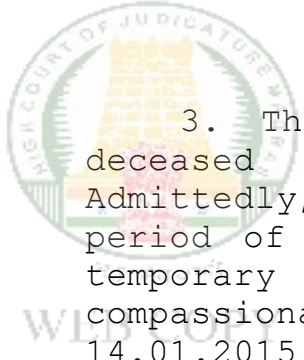
For Respondents : Mr.D.Mayarajan
Standing Counsel

JUDGMENT

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

Heard Mr.K.Muthumalai, learned counsel appearing for the appellant and Mr.D.Mayarajan, learned Standing Counsel appearing for the respondents.

<https://hcservices.courts.gov.in/hcservices/>
2. This Writ Appeal is directed as against the order dated 20.01.2017 made in W.P.(MD).No.11064 of 2015.



3. The appellant is the Writ Petitioner, the wife of a deceased temporary employee of the respondents Corporation. Admittedly, the husband of the appellant did not complete the period of probation and died on 02.11.2012, when he was only a temporary employee. The appellant sought for appointment on compassionate ground and the same was rejected, by order dated 14.01.2015, stating that the claim of the appellant for appointment on compassionate ground is extendable only to the dependants of regular employee. This was challenged before the Writ Court and the Writ Petition was dismissed by order dated 20.01.2017.

4. We are in agreement with the view expressed by the learned Single Judge in not entertaining the Writ Petition, since the husband of the appellant was not an approved probationer and he was only a temporary employee. Therefore, the Writ Appeal has to necessarily fail. However, we have considered the plight of the appellant/Writ petitioner, who is an young widow with two minor children and she is in indigent circumstances and therefore, this is a fit case, where the respondents should be directed to consider the candidature of the appellant for being appointed in some class IV Post, falling within the jurisdiction of the first respondent.

5. Accordingly, while dismissing the Writ Appeal, we direct the appellant to submit her representation, along with a copy of this Judgment, for appointment in any class IV Post and if any such representation is submitted by the appellant/Writ Petitioner, the first respondent is directed to consider the same in a sympathetic manner, taking note of the fact that the appellant is an young widow in indigent circumstances, with two minor children. The representation shall be considered within a period of four weeks from the date of receipt of the same. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation, Madurai Region, Madurai.
 2. The Chairman,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road, Kilpauk, Chennai.
- +1 cc to Mr.D.Mayarajan, Advocate, SR.No.19137
+1 cc to Mr.K.Muthumali, Advocate, SR.No. 19174

JUDGMENT MADE IN
W.A. [MD] .No.279 of 2017
04.04.2017