



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 30.08.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.A.[MD].No.1100 of 2016
and
C.M.P.(MD) No.6710 of 2016

1.The District Collector,
The Collectorate Office,
Tirunelveli.

2.The Commissioner,
The Office of Rural Development
and Panchayat Raj,
Panagal Buildings,
Chennai.

... Appellants/Respondents

Vs.

R.Rajeswari @ Chandramathi

... Respondent/Petitioner

PRAYER : Writ Appeal is filed under Clause 15 of the Letters Patent, to set aside the order passed by this Court made in W.P (MD).No.1739 of 2010 dated 03.04.2014.

Prayer in WP(MD). 1739/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS directing the 1st and the 2nd respondent to consider and pass orders on the Petitioner's request for compassionate Appointment by expeditiously, deciding the regularisation of the services of the petitioner's (deceased) husband , within a time frame to be fixed by this Hon'ble High Court.

For Appellants : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

For Respondent : No appearance



JUDGMENT

[Judgment of the Court was delivered by G.R.SWAMINATHAN, J.]

This writ appeal is directed against the order dated 03.04.2014 made in W.P.(MD)No.1739 of 2010 filed by the respondent herein.

2.The husband of the respondent herein got appointment on compassionate ground on 31.01.2007. He passed away on 11.09.2008. The respondent submitted the application in time seeking appointment on compassionate ground. The necessary particulars were also collected from the respondent. But there was no response from the authorities subsequently. Hence, the respondent filed W.P(MD)No.1739 of 2010. The learned Judge by order dated 03.04.2014 directed issuance of an order appointing the respondent on compassionate ground. Questioning the same, this intra Court Appeal has been filed.

3.The learned Additional Government Pleader contended that direction for appointment could not have been straightaway issued.

We are inclined to accept the said submission. Still we are constrained to point out that there is no justification for indefinitely keeping the application submitted by the respondent pending. It is true that the husband of the respondent passed away even before his service could be regularised. It is also true, only thereafter the respondent could be issued with an order of compassionate appointment. In fact the appellants stated that action is being taken to consider the claim of the respondent positively. The said submission is placed on record. This Court expresses its hope that the matter would be processed speedily. The respondent lost her husband at a young age. At the same time, this Court is conscious that positive direction could not have been issued. Therefore, we are inclined to modify the order made in W.P.(MD)No.1739 of 2010 on 03.04.2014, by directing the appellants herein to consider the case of the respondent for appointment of compassionate ground. The appellants are directed to complete the said exercise within a period of six weeks from the date of receipt of a copy of this order.

4.This writ appeal is partly allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar



To

1.The District Collector,
The Collectorate Office,
Tirunelveli.

2.The Commissioner,
The Office of Rural Development
and Panchayat Raj,
Panagal Buildings,
Chennai.

+One cc to The Special Government Pleader, SR.No.76047

mm/gsp
RL/4C/3P/SKN/RSK/SAR1/6/10/2017

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