



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**

AND

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A. (MD)No.728 of 2016

& C.M.P. (MD)No.4644 of 2016

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai - 4.

2.The Additional Director General of Police
(Administration),
Dr.Radhakrishnan Salai, Mylapore,
Chennai - 4.

3.The Superintendent of Police,
District Police Office,
Pudukkottai District.

... Appellants/Respondents

Vs.

V.Valarmathi

... Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, against the order dated 25.11.2015, made in W.P.(MD) No.20860 of 2015.

Prayer in WP(MD). 20860/ 2015 :

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 ref.c.no. L3/13448/2015 dated 01.09.2015 on the file of the respondent no. 3 and quash the same as illegal and consequently for a direction, directing the respondent no.3 to appoint the petitioner under compassionate grounds to any available post according to the qualification of the petitioner in the light of G.O.Ms. No.96 dated 18.06.2012 of labour and employment department within the time stipulated by this Honble Court.

For Appellants

: Mr.S.Chandrasekar
Government Advocate

For Respondent

: Mr.T.Lajapathi Roy

**JUDGMENT**

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

Heard Mr.S.Chandrasekar, learned Government Advocate appearing for the appellants and Mr.T.Lajapathi Roy, learned counsel for the respondent.

2.This appeal is directed against the order dated 25.11.2015. made in W.P.(MD)No.20860 of 2015.

3.The respondent filed the abovesaid Writ Petition challenging the order passed by the third appellant, dated 01.09.2015, by which, the request made by the respondent for grant of appointment on compassionate ground was rejected.

4.The appellants resisted the Writ Petition by contending that after 16 years of the demise of the employee, namely, the respondent's father, an application has been made and in terms of various Government Orders, such compassionate appointment cannot be granted, when the respondent is also a married person.

5.The learned Single Judge after elaborately referring to all the Government Orders held that the impugned order requires to be set aside and directed the appellants to provide compassionate appointment to the respondent.

6.The respondent's father was working as a Police Constable Grade-I and died on 19.02.1999 in a road traffic accident, leaving behind his wife, the respondent herein, her sister and brother as legal heirs. The mother of the respondent filed an application for providing compassionate appointment to the respondent's brother. While the application was pending, the respondent's brother passed away on 24.05.2001. Thus, within two years, the family was had only lost the breadwinner, but also the son. According to the respondent, she requested for providing compassionate appointment on 24.11.2001 after the death of the respondent's brother. However, an order was passed on 28.01.2005 rejecting the request of the respondent on the ground that compassionate appointment cannot be provided to the married daughter.

7.Later, another Government Order was issued in G.O.Ms.No.165, Labour and Employment Department, dated 30.08.2010, providing compassionate appointment to married daughters. However, there is restriction provided in the said Government Order stating that the daughter should not have been married at the time of making application after the death of the Government servant. This Government Order was subsequently modified in G.O.Ms.No.96, Labour and Employment Department, dated 18.06.2012, which imposes further

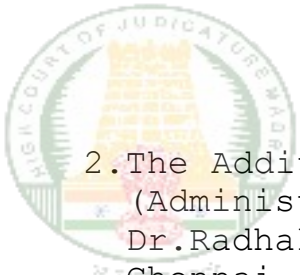
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C O M M N O

10. The submission made by the learned Government Advocate is well founded and this aspect has to be necessarily verified by the appropriate authorities. Accordingly, while dismissing this Writ Appeal and upholding the order dated 25.11.2015, passed in W.P. (MD) No. 20860 of 2015, we direct the appellants to verify the financial status of the respondent and her family members and if it is found that, the respondent is in indigent circumstances, then, the appellants are directed to provide compassionate appointment to her within a period of eight weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

Assistant Registrar (CS-II)

Sub Assistant Registrar

Chennai - 4.



2.The Additional Director General of Police
(Administration),
Dr.Radhakrishnan Salai, Mylapore,
Chennai - 4.

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3.The Superintendent of Police,
District Police Office,
Pudukkottai District.

+1 CC to MR.T.LAJAPATHYROY , Advocate, SR No. 53355

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 53432

SMN2

PSM/RSK/12.05.2017/4P/6C

JUDGMENT MADE IN
W.A. (MD) No.728 of 2016
20.04.2017