



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2017

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.384 of 2017

and

W.M.P(MD)No.283 of 2017

B.Thamilmathi

.. Petitioner

Vs.

1.The State of Tamil Nadu,
represented by its Secretary to Government,
Labour and Employment Department,
Fort St.George, Secretariat,
Chennai - 600 009.

2.The Director of Agriculture,
Directorate of Agriculture,
Chepauk, Chennai - 600 005.

3.The Joint Director of Agriculture,
Kattuthottam, Thanjavur - 613 501,
Thanjavur District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the entire records relating to the impugned letter dated 19.2.2016, issued by the third respondent in its letter No.A2/14038/12 and the impugned letter dated 7.3.2016 issued by the second respondent in its letter No.A NI P16/112735/2015 and to quash the same and consequently to direct the respondents herein to provide appointment to the Petitioner's unmarried 6th daughter namely Vigneshwari on compassionate ground in any one of the post to which she is suitable.

For Petitioner : M/s.A.Saravanan

For Respondents : Mr.K.P.Krishnadoss
Govt.Advocate

O R D E R

This Writ Petition has been filed,for issuance of a writ of Certiorarified Mandamus calling for the entire records relating to the impugned letter dated 19.2.2016, issued by the third respondent in its letter No.A2/14038/12 and the impugned letter dated 7.3.2016 issued by the second respondent in its letter No.A NI



P16/112735/2015 and to quash the same and consequently to direct the respondents herein to provide appointment to the Petitioner's unmarried 6th daughter namely Vigneshwari on compassionate ground in any one of the post to which she is suitable.

2. Heard the learned counsel for the Petitioner and and Mr.K.P.Krishnadoss, learned Government Advocate, appearing for the respondents. By consent, the main Writ Petition itself is taken up for final disposal at the stage of admission itself.

3. The Petitioner is the wife of Late. Balraj. He died on 24.4.2002 when working under the respondents. An application was made for compassionate appointment for the 3rd daughter in the year 2003. It was favourably considered on 27.5.2014 and she also joined the job on 14.7.2014. Since she secured job, there is a dispute between the husband and wife namely, the Petitioner's daughter and the Petitioner's son-in-law. In view of that she was forced to resign the said job within six months. Her resignation submitted on 12.12.2014 was accepted. The Petitioner/mother has now come forward with the present Writ Petition saying that she has six daughters and 6th daughter is unmarried and she may be considered for compassionate appointment. When the Petitioner's earlier request for appointment on compassionate ground to one of her daughter considered, the Petitioner's request for compassionate appointment again to her sixth daughter is not sustainable in law in view of the decision reported in (2011) 4 SCC 209, Bhawani Prasad Sonkar vs. Union of India and others. I find that there is no error in the order impugned herein

4. In view of the above reasonings and the decision cited supra, this Court is of the view that the respondent concerned has rightly granted the relief to one of the daughter of the petitioner and she joined duty and resigned the job. Compassionate appointment is not like a relay race that one person joined duty and resigned the job and another person requested the authorities concerned to give the said job to another person of the family. The Person who got appointment on compassionate grounds is facing family dispute is not a ground for directing the respondents to once again give compassionate appointment to another person when they have already considered and granted compassionate appointment to one of their family member.

5. In view of the above reasons and the decision cited supra, the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petition is dismissed. No costs.

Sd/-

Assistant Registrar (Writs)



To:

1.The Secretary to Government,
Labour and Employment Department,
Fort St.George, Secretariat,
Chennai - 600 009.

2.The Director of Agriculture,
Directorate of Agriculture,
Chepauk, Chennai - 600 005.

3.The Joint Director of Agriculture,
Kattuthottam, Thanjavur - 613 501,
Thanjavur District.

+1Cc to Mr.A.Saravanan, Advocate, Sr. NO. 1542

+1cc to the government pleader, madurai bench Sr. No.1798

vsn

JS/ksm/25.01.2017/3p-6c

W.P.(MD) No.384 of 2017
and
W.M.P(MD) No.283 of 2017
09.01.2017



WEB COPY

09.01.2017