



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2017

CORAM:

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

W.A(MD)No.497 of 2013
and
M.P. (MD)No.1 of 2013

The District Collector,
Thanjavur District,
Thanjavur.

...Appellant/Respondent

Vs.

M.Sudha

...Respondent/Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 03.04.2013 passed in W.P.(MD) No.5183 of 2013 on the file of this Hon'ble High Court and thereby allow this appeal.

Prayer in WP(MD). 5183/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, in the nature of writ calling for the records of the respondnet in Pa.Mu.54564/2012/A1 dated 10.01.2013 and quash the same as unconstititutional , illegal and unlawful and further direct him to provide employment to the petitioner under compassionate ground more particularly within a time frame as may be stipulated by this HONourable Court .

For Appellant : Mr.V.R.Shanmuganathan
Special Government Pleader

For Respondent : Mr.J.Pooventhera Rajan

JUDGMENT

(Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**)

This appeal is directed against the order passed in
<https://heservices.ecourts.gov.in/heservices/>
W.P. (MD)No.5183 of 2013, dated 03.04.2013.



2. The Writ Petition was filed by the respondent herein challenging the order passed by the appellant dated 10.01.2013, by which, the respondent /writ petitioner's application for appointment on compassionate ground was rejected on the ground that she is a married woman.

3. Heard Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the appellant and Mr.J.Pooventhera Rajan, learned counsel appearing for the respondent.

4. The learned Single Judge allowed the Writ Petition taking note of a decision in W.P.(MD).No.8686 of 2011, dated 02.07.2012. The District Collector is on appeal as against the said order. In, somewhat, similar circumstances, the Writ Petition in W.P.(MD) No.9056 of 2014 was allowed on 09.06.2014, as against which, the State preferred an appeal in W.A.(MD)No.751 of 2015, which was dismissed by the Division Bench, by judgment dated 14.07.2015. The operative portion of the said judgment reads as follows.

"9. Perusal of the order made in W.A.635 of 2015, dated 23.04.2015, shows that being aggrieved by the direction given by the Writ Court to consider the claim of the respondent therein, a married woman, for employment assistance, intra Court appeal has filed. Taking note of an earlier order made in W.P.No.22709, dated 08.12.2014 (P.Kamatchi vs. The State of Tamil Nadu and another), another Hon'ble Division Bench of this Court has dismissed the challenge made by the official respondents, for the reasons recorded at paragraph No.2, which is reproduced.

"2. This Court, while considering the entitlement of married daughter in the order dated 08.12.2014 in W.P.No.22709 of 2014 (P.Kamatchi vs. The State of Tamil Nadu and another), has held as under:

The case of the petitioner is that the petitioner was married only on 20.08.2012 and as such, she is entitled to be considered subject to certain conditions, which are prescribed in the said G.O. On perusal, it appears that the petitioner has one younger sister by name Thamizharasi. It is not clear as to whether her younger sister is eligible for appointment or not. However, the petitioner even if she is a married daughter of the deceased employee, she is entitled to consideration subject to certain conditions as stated in

<https://hcservices.courts.gov.in/> The said G.O. reads as under:



Orders are issued with the following conditions for the issuance of appointments among those persons, mentioned as near relatives of the Government Servant, who died in harness, as per G.O.4th read above, and by virtue of being an unmarried woman, having submitted an application, seeking appointment, and who subsequently got married before being issued appointment, if they otherwise fulfil other eligibility for their appointment on commissioner grounds.

(i)'No Objection Certificate' from the remaining members of the family, while being an unmarried woman and after marriage when such woman is issued appointment, again a 'No objection Certificate' from the remaining members of the family shall be submitted.

(ii)The individual who gets appointment opportunity after being married, shall submit an undertaking to the effect that they shall be helpful to the parents' family.

(iii)The person who is going to marry the woman, who has sought appointment on compassionate grounds, shall furnish an undertaking that he shall not cause hindrance in helping her parents in future."

10.Decisions of the Hon'ble Division Benches in W.A.(MD)No.216 of 2013, dated 27.06.2014, in the matter of Adhilakshmi Vs. The District Collector, Maduri District and another, and in W.A.No.635 of 2015, dated 23.04.2015, in the matter of The Assistant Primary Education Officer, Anthiyur and two others Vs. Kayalvizhi, are squarely applicable to the facts of this case. Marriage solemnized, whether anterior or posterior to the date of death of the Government Servant, is immaterial, so long as the applicant satisfies the eligibility prescribed for employment assistance on compassionate grounds. Further, in G.O.Ms.No.185, Labour and Employment (A2) Department, dated 30.08.2010, one of the conditions imposed for providing employment assistance to married daughters of the deceased Government servants is that an undertaking should be obtained from such daughter to the effect that after obtaining employment on compassionate grounds, she would extend all assistance/help to the family.

11.In view of the above discussion and decisions cited supra, we find no grounds to entertain the writ appeal. Accordingly, the writ appeal is dismissed. No costs. Connected miscellaneous petitions are also dismissed."



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5. In the light of the above decision, this Writ Appeal stands dismissed. No costs. Consequently, the connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The District Collector,
Thanjavur District,
Thanjavur.

+1cc to Mr. J. Pooventhera Rajan, Advocate in SR.No.58467
+1 cc to Special Government Pleader in SR.No.58547

KM/MR

AE/MR/SAR3/14.06.2017/4P/4C

JUDGMENT IN
W.A (MD) No.497 of 2013
and
M.P. (MD) No.1 of 2013
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