

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 20.03.2017****CORAM****THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN****W.P(MD) .No.15578 of 2013**

Valarmathi

...Petitioner

Vs.

The Assistant Director, (Land Survey)
O/o. The District Survey,
Madurai District,
Madurai.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the respondent bearing Na.Ka.No.A5/5325/2013, dated 22.07.2013, and quash the same and consequently direct the respondent to consider the case of the petitioner for appointment on compassionate ground in any one of the vacancies in the respondent department at the earliest.

For petitioner : Mr.K.Samidurai
For Respondent : Mrs.S.Bharathi
Government Advocate

ORDER

This writ petition has been filed to call for the records relating to the impugned order dated 22.07.2013, to quash the same and consequently direct the respondent to consider the case of the petitioner for appointment on compassionate ground in any one of the vacancies in the respondent department at the earliest and pass such further or other orders.

2. Aggrieved by the rejection of the request of compassionate of appointment, the petitioner has approached this Court. It is not in dispute that the mother of the petitioner Late V.Chellammal, who was working as an Assistant died in harness on 17.05.2003 and the petitioner, who is the daughter of the deceased, had applied for compassionate appointment on 03.09.2003. The said request has been rejected only on the ground that the father of the petitioner is working as an Lineman in Tamilnadu Electricity Board.



3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondent.

4. In the guidelines issued regarding compassionate appointments under various Government Orders, particularly G.O.Ms.No.155 dated 16.07.1993 states that the fact that a dependent of the deceased employee is already employed, though is a ground for rejection of request of the compassionate appointment. The authority while considering the same has to go in to the question as to whether such employed dependent is actually supporting the family or not. The authorities have not apparently gone into the said question and the request of the petitioner for appointment has been rejected solely on the ground that her father is employed. Therefore, the impugned order suffers from a lacuna.

5. Considering the above facts, the impugned order is set aside and the respondent is directed to reconsider the application of the petitioner in the light of directions issued in G.O.Ms.No.155 dated 16.07.1993 and pass orders afresh. No Costs. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

The Assistant Director, Land (Survey)
O/o. The District Survey,
Madurai District, Madurai.

+1cc to Mr.K.Samidurai, Advocate Sr.No.16048

pjl

vb/sv/mms/sar3/20.04.2017/2p/3c

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