

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.26042 of 2017
and
W.M.P.No.27642 of 2017

P.Dhanalakshmi

... Petitioner

Vs.

1. The Secretary to Government,
Government of Tamil Nadu,
Labour & Employment Department,
Fort St. George, Secretariat,
Chennai - 600 009
2. The Secretary to Government,
Government of Tamil Nadu,
Home Department, Fort St. George, Secretariat,
Chennai 600 009.
3. The Superintendent of Police,
Coimbatore, Coimbatore District. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India, to to issue a Writ of Mandamus, to direct the respondents to provide compassionate appointment to the petitioner herein for a suitable post on the basis of the application dated 20.10.2010 within a time frame stipulated by this Court.

For Petitioner : Mr.P.Muthukrishnan

For Respondents : Mr.R.S.Selvam
Government Advocate

O R D E R

This Writ Petition has been filed by a widow of late N.Paramanandam, who died on 23.07.2010, while serving as Head Constable (HC 956) in Perur Police Station, Comibatore Distirct, seeking compassionate appointment.

2. Learned counsel appearing for the petitioner submitted that the petitioner's husband late N.Paramanandam was serving as Head Constable (HC 956) in Perur Police Station, Coimbatore District, met with an accident on 01.07.2010 and as a result of which, he died on 23.07.2010, leaving behind the petitioner and her two daughters viz., Priyadarshini, aged about 17 years and Ishwarya, aged about 11 years. As the petitioner and her two daughters are left without any means of livelihood, an application was made on 20.10.2010 seeking compassionate appointment to the post of Junior Assistant. The petitioner has also studied +2. Since her two daughters are minors, aged about 17 and 11 years, they have also given consent letter with No Objection Certificate. The same also has been enclosed along with the application dated 20.10.2010. But curiously, the 3rd respondent/Superintendent of Police, Coimbatore, wrongly rejected the same by proceedings in Na.Ka.No.H.3/16315/52/13, dated 23.03.2015 stating that the petitioner's application has been shown in the waiting list No.2165 and subsequently, placed under waiting list No.1920 for compassionate appointment. As the petitioner is continuously facing indigenous circumstances and there is no one to take care of their family, simply rejecting the case of the petitioner on the ground that the seniority has not ripened for appointment is wholly untenable. As per the calculation of the respondent, if the seniority list is going to be exhausted, the petitioner will have to face untold misery for long time. Therefore, direction has to be issued to the respondents to consider the case of the petitioner, the learned counsel for the petitioner would submit.

3.The learned Government Advocate appearing for the respondents would submit that the petitioner's daughter namely, P.Priyadarshini also made an application for compassionate appointment, that has put the department in precarious position, whether to accept the request of the petitioner or her daughter for compassionate appointment, and therefore, the delay is also caused.

4.The learned counsel for the petitioner, in his reply, would submit that although the petitioner's daughter made an application, now it is decided to press the application submitted by the petitioner alone.

5.Considering the fact that since the petitioner's name is shown in the seniority list, this Court directs the respondents to consider the petitioner's application for compassionate appointment as per seniority list.

6.With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

jrl/sai

To

1. The Secretary to Government,
Government of Tamil Nadu,
Labour & Employment Department,
Fort St. George, Secretariat,
Chennai - 600 009
2. The Secretary to Government,
Government of Tamil Nadu,
Home Department, Fort St. George, Secretariat,
Chennai 600 009.
3. The Superintendent of Police,
Coimbatore, Coimbatore District.

+lcc to Mr.P.Muthukrishnan, Advocate, S.R.No.2224
+lcc to the Government Pleader, S.R.No.1876

W.P.No.26042 of 2017

CS/20/02/18

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