

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.2563 of 2018

Smt.D. Saraswathy

.... Petitioner

vs

1. The District Collector,
Villupuram,
Villupuram District

2. Child Welfare Scheme Officer,
Udayarnatham,
Kanai,
Villupuram District

3. The District Scheme Office,
Integrated Child Improvement Scheme,
Villupuram, Villupuram District

.... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus to call for the records of the third respondent passed in N.K.No.1948/A1/2017 dated 11.09.2017, quash the same and direct the third respondent to appoint the petitioner on compassionate ground in any suitable post matching with her educational qualification.

For petitioner : Mr.R. Sankarappan

For respondents : Mr.V. Kadhivelu
Spl.G.P

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ORDER

The writ petition has been filed challenging the impugned order dated 11.09.2017 refusing the request of the petitioner to appoint her on compassionate ground, since her mother, while serving as Assistant Cook in Kanani Panchayat Union, Udayar Nathan Anganvadi Second Centre, died on 26.01.2014, leaving behind the petitioner and her elder sister as her legal heirs.

2.The sister of the petitioner is residing at Pondicherry after marriage, but the petitioner has been depending upon her mother. Moreover, her husband is also eking out the livelihood depending upon the daily work. Therefore, immediately, after the death of her mother, the petitioner made a representation on 05.06.2014 along with the No Objection Certificate, issued by her sister, Income Certificate, Community Certificate, Nativity Certificate. But the respondents, without considering the fact that the petitioner is also entitled for compassionate appointment, rejected the same. Therefore, the impugned order is liable to be set aside.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

3. One of the reasons cited in the impugned order is that within three years from the date of death of the petitioner's mother, she should have made her application, whereas, the petitioner said to have made her application only on 07.08.2017. Since earlier application made on 05.06.2014 has been wrongly misplaced by the respondents, they cannot blame the petitioner that the petitioner has belatedly approached them, seeking compassionate appointment.

4. This Court also finds no merits in the writ petition for two reasons. Firstly, from the legal heirship certificate, issued by Tahsildar, shows that the petitioner is a married lady, settled with her husband Mr.Danasekaran at Virattikuppam. An affidavit, filed in support of the writ petition, does not mention as to whether she was married prior to the death of her mother or after her death.

5.Secondly, this Court is not able to find any acknowledgement to support the case of the petitioner that her application, seeking compassionate appointment, was filed within three years time. No doubt, three years time limit to make an application from the date of the death of the bread winner has been subsequently settled by this Court that three years period cannot be made applicable in the matter of compassionate appointment.

6. In this case, the petitioner is a married lady. This Court is not inclined to extend the benefit of compassionate appointment to the petitioner.

7.In the result, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True copy//

Sub Assistant Registrar

sr

To

1. The District Collector,
Villupuram,
Villupuram District
 2. Child Welfare Scheme Officer,
Udayarnatham,
Kanai,
Villupuram District
 3. The District Scheme Office,
Integrated Child Improvement Scheme,
Villupuram, Villupuram District
- +1cc to Mr.R.Sankarappan, Advocate SR.No.8789

W.P.No.2563 of 2018

GN(27/02/2018)



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