



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.9673 of 2018

Rejini

... Petitioner

-Vs-

1. The Director
Tamil Nadu State Public Health and
Preventive Medicine Department,
Chennai.

2. The Director,
Tamil Nadu State Health Transport Department,
Guindy, Chennai.

3. The Workshop Superintendent,
O/o.Workshop Superintendent,
Regional Workshop(Health),
Tirunelveli.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation dated 01.07.2017 for compassionate appointment within the time frame that may be stipulated by this Court.

For Petitioner : Mr.M.Suri

For Respondents : Mr.D.Muruganantham
Additional Government Pleader

ORDER

The prayer sought for in the writ petition is for a Writ of Mandamus to direct the first respondent to consider the petitioner's representation dated 01.07.2017 for compassionate appointment within the time frame that may be stipulated by this Court.

2.Heard Mr.M.Suri, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

3.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4.The learned counsel appearing for the petitioner would



submit that the petitioner's father one Ashokan, who was working as a Fitter at the third respondent Office, died in harness on 18.03.2006. Therefore, the petitioner, who is the daughter of the said deceased employee, filed an application on 13.06.2006 to the respondents seeking compassionate appointment. Even though such a request was made in the year 2006, nothing was forthcoming from the respondents. Therefore, a lot of correspondences had been taken place between the petitioner and the respondents. Ultimately, by communication dated 21.06.2017, the second respondent communicated to the petitioner stating that at the time of making application by the petitioner seeking compassionate appointment in the year 2006, the petitioner was qualified only with 10th standard. Therefore, at that time, the petitioner's application could not be processed for the appointment to the post of Junior Assistant. Therefore, the first respondent on 06.01.2017 has made a recommendation to the second respondent to consider the request of the petitioner for compassionate appointment to any lower level post. Only pursuant to the said recommendatory request made by the first respondent, the second respondent issued the said communication on 21.06.2017, seeking willingness of the petitioner to be appointed to any lower level post and in case, the petitioner is willing, the said willingness was directed to be forwarded to the second respondent within seven days.

5. Pursuant to the said letter issued by the second respondent dated 21.06.2017, the petitioner, on 01.07.2017, has given a detailed request stating that in the meanwhile, the petitioner qualified with M.Com Degree and also having other qualification of Senior Grade in Typewriting, Post Graduate Diploma in Computer Application etc., and based on these qualifications, whatever suitable job available in the department of the second respondent, the petitioner can be considered and appointed on compassionate ground.

6. The learned counsel appearing for the petitioner would submit that in the said circumstances, the request of the petitioner dated 01.07.2017 made in response to the query raised by the second respondent dated 21.06.2017, if it is directed to be considered by the second respondent and a suitable order is directed to be passed thereon by the second respondent within a time frame, the petitioner would be satisfied.

7. The learned Additional Government Pleader appearing for the respondents in this regard would submit that since the petitioner made an application in time within the stipulated period from the date of death of the Government employee and the petitioner has also been qualified to hold some post in the department concerned, her request dated 01.07.2017 made pursuant to the query raised by the second respondent dated 21.06.2017 shall be considered on merits and in accordance with the law and an order to that effect shall be passed by the second respondent within a time frame.



8. I have considered the said submissions made by both sides and in view of the said facts and circumstances, this Writ Petition is disposed of with the following direction:-

"That the second respondent is directed to consider the request of the petitioner dated 01.07.2017 taking into account the educational qualification of the petitioner as mentioned therein and also taking into account that the father of the petitioner died in harness on 18.03.2006 and from that date onwards, the family of the petitioner is suffering a lot, as the sole breadwinner of the family was no more for all these years and taking into consideration the penurious circumstances and indigent situation of the petitioner's family, a pragmatic view can be taken, accordingly, necessary orders be passed by the second respondent with regard to the appointment of the petitioner on compassionate ground in commensurate with the educational qualification of the petitioner and an order to that effect shall be passed by the second respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs."

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The Director
Tamil Nadu State Public Health and
Preventive Medicine Department,
Chennai.
2. The Director,
Tamil Nadu State Health Transport Department,
Guindy, Chennai.
3. The Workshop Superintendent,
O/o. Workshop Superintendent,
Regional Workshop(Health),
Tirunelveli.

+ 1 cc TO Mr.M.Suri , Advocate in SR No. 63731
+ 1 cc TO The Special Government Pleader in SR No. 64252

rmk/RR

AE/SV MMS/SAR1/01.06.2018/3P/6C

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