



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2018

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

AND

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.A.(MD)No.1479 of 2017

Ayyarakkal

... Appellant/Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The District Project Officer,
Office of the District Project Officer,
Virudhunagar District,
Virudhungar.

3.The Child Development Project Officer,
Integrated Child Development Scheme,
Tiruchuli at Tamilpadi,
Virudhunagar District.

... Respondents/Respondents

Writ Appeal filed under Clause 15 of Letter Patent against the order passed by this Court in W.P.(MD)No.16111 of 2017 dated 12.09.2017.

Prayer in WP(MD)No. 16111 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to appoint the petitioner as a Helper in any Anganwadi Centers situated within the area limit of the Thiruchuli Panchayat Union, Virudhunagar District under compassionate grounds within the stipulated period.

For Appellant

: Mr.G.Marimuthu

For Respondents

: Mr.N.Shanmugaselvam

Additional Government Pleader

JUDGMENT

(Judgment of the Court was delivered by **M.M.SUNDRESH, J**)

The petitioner has sought compassionate appointment. Though the said request is pending consideration, the petitioner hurriedly approached this Court with the writ petition. The learned Single Judge dismissed the writ petition on two grounds, namely, the petitioner being married daughter even prior to the death of the deceased employee, who was working as Helper in Anganwadi Center is not entitled to compassionate appointment, and



since the post being not statutory one, no such relief can be granted. Challenging the same the appellant has filed this Writ Appeal.

2.The learned counsel appearing for the appellant would submit that the writ petition was dismissed at the admission stage itself and the grounds on which the writ petition was dismissed were not the stands of the respondents. Therefore, it is suffice, if the second respondent is directed to consider the request of the appellant.

3.Considering the submissions made on both sides, this Court, without going into the merits of the claim made by the appellant, directs the respondents to consider the claim of the appellant for compassionate appointment on its own merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order without being influenced by the order of the learned Single Judge in W.P.(MD)No.16111 of 2017 dated 12.09.2017. The petitioner is also directed to submit a fresh representation to the second respondent along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order.

4.Accordingly, the Writ Appeal stands disposed of. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The District Project Officer,
Office of the District Project Officer,
Virudhunagar District,
Virudhungar.

3.The Child Development Project Officer,
Integrated Child Development Scheme,
Tiruchuli at Tamilpadi,
Virudhunagar District.

+1cc to M/s.G.M.Law Officer Sr.No.83589
+1cc to Spl.Government Pleader Sr.No.84049
sj
VB/RP/SAR1/10.10.2018/2P/6C