



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Writ Petition (MD).No.18650 of 2018

B.Ilakkia

... Petitioner

Vs.

1. The District Collector,
Sivagangai District.

2. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3. The Tahsildar,
Thiruppathur,
Sivagangai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 22.02.2018, regarding compassionate appointment, in the light of the judgment passed by this Court in W.P.No.23243 of 2015 and direct the respondents to give any suitable post to the petitioner's qualification on compassionate ground on the death of her father L.Balakrishnan, on 19.12.2017.

For Petitioner : Mr.S.Arivalagan
For Respondents : Mr.S.Dhayalan
Government Advocate

O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 22.02.2018, regarding compassionate appointment, in the light of the judgment passed by this Court in W.P.No.23243 of 2015 and direct the respondents to give any suitable post to the petitioner's qualification on compassionate ground for the death of her father L.Balakrishnan, on 19.12.2017.

2. The case of the petitioner is that the petitioner is the daughter of deceased Village Administrative Officer, who died while



in service on 19.12.2017 and the petitioner being a daughter made a representation on 22.02.2018 to the respondents for compassionate appointment and the same has not been considered so far. Hence, the petitioner has come forward to file the present writ petition seeking the aforesaid prayer.

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3. The learned Government Advocate appearing for the respondents would submit that there is a verbal order of termination and that he was terminated from service in the year 2016 and that the official records clearly shows that the charge under Rule 17(b) is pending against the deceased employee.

4. In reply, the learned counsel for the petitioner would submit that there was no evidence to show that the charge memo was served on the deceased and that there is no written order of termination, dismissing him from service.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

6. It is not in dispute that the petitioner's father died on 19.12.2017 and the petitioner made a representation on 22.02.2018 to the respondents, seeking compassionate appointment. Though the petitioner is a married daughter of the deceased, still she is entitled to compassionate appointment. Admittedly, the application has been filed within three months from the date of demise of her father. The question as to whether a charge memo under Rule 17(b) has been given or not need not be gone into at this stage, as admittedly there is no proceedings commenced and concluded and there is no written order of termination issued against the deceased delinquent, dismissing him from service. Hence, the respondents cannot deprive the rights of the petitioner in getting compassionate appointment. In case, the petitioner satisfies all the required criteria applicable to compassionate appointment, the case of the petitioner shall be considered in accordance with law, within a period of three months from the date of receipt of a copy of this order.

7. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (ADI)

// True Copy //

Sub Assistant Registrar(CS-I)



To

1. The District Collector,
Sivagangai District.

2. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3. The Tahsildar,
Thiruppathur,
Sivagangai District.

+1 CC To MR.S.ARIVALAGAN, Advocate SR. NO. 80499

+1 CC TO The Special Government Pleader SR.NO. 80614

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TR/SKN/SAR-I (27.10.2018) 3P 6C