



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2018
CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No. 15084 of 2013
and
M.P(MD) No.1 of 2013

S.N.Nargesh

... Petitioner

-vs-

1.The Director of Agriculture,
Office of the Director of Agriculture,
Chepauk,
Chennai - 5.

2.The Assistant Director of Agriculture,
Nagerkoil, Nagerkoil District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned letter No.Ni.4/3776/2011, dated 25.4.2011 on the file of the second respondent and to quash the same as illegal and consequently to direct the respondents 1 and 2 to permit the petitioner to join the service as Office Assistant under the 2nd respondent on compassionate grounds.

For Petitioner : M/s.T.Lajapathi Roy

For Respondents : Mr.C.Selvaraj
1 and 2 Special Government Pleader

O R D E R

The order dated 25.4.2011 issued by the second respondent is sought to be quashed in this Writ Petition. Further direction is sought for to direct the respondents 1 and 2 to permit the Writ Petitioner to join in the service as Office Assistant as per the order of appointment.

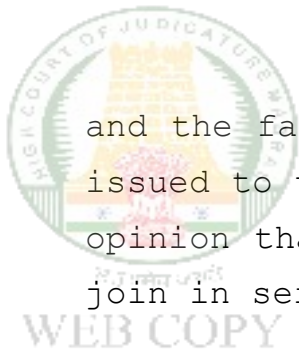


2.The learned counsel for the Petitioner states that the father of the Writ Petitioner was employed as an Agricultural Office Assistant under the control of the second respondent and passed away on 16.02.1992, while he was in service. The elder brother of the Writ Petitioner also died. In these circumstances, the Writ Petitioner made an application seeking appointment on compassionate grounds. Considering the case of the Writ Petitioner, an order of appointment was issued in proceedings, dated 17.8.2000, with a condition that the Petitioner should produce the certificate stating that she is not married.

6.The learned Special Government Pleader appearing on behalf of the respondents states that the conditions stipulated has not been complied with by the Writ Petitioner. The Writ Petitioner has not submitted any certificate showing that she is not married. The learned Special Government Pleader states that during the relevant point of time, the married daughters were not eligible to avail the benefit of the scheme of compassionate appointment. Since the Petitioner had not produced the certificate, her appointment was cancelled and the Petitioner was not permitted to join duty.

7.It is brought to the notice of this Court that the Government had issued orders granting the benefit of the scheme of compassionate appointment to the married daughters also. This Court is also of the opinion that there cannot be any gender discrimination in providing appointment on compassionate grounds. When the married sons are eligible for compassionate appointment, then the married daughters also would be eligible for compassionate appointment. The gender discrimination is impermissible under the Constitution of India and the Government has rightly revised the scheme by providing that the married daughters are also eligible to avail the benefit of the scheme of compassionate appointment.

8. In this view of the revised orders of the Government that the married daughters are also eligible for compassionate appointment



and the fact remains that the order of appointment had already been issued to the Writ Petitioner in the year 2000, this Court is of the opinion that there is no impediment to allow the Writ Petitioner to join in service as per the order of appointment issued to her.

9. In this view of the matter, the respondents are directed to consider the case of the Writ Petitioner for joining duty by obtaining necessary certificates and other requirements, as per the Rules, and pass orders within a period of 12 weeks from the date of receipt of a copy of this order.

10. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Director of Agriculture,
Office of the Director of Agriculture,
Chepauk,
Chennai - 5.

2. The Assistant Director of Agriculture,
Nagerkoil,
Nagerkoil District.

+1cc to M/S.T.LAJAPATHI ROY, Advocate SR.No.40404.

W.P.(MD) No. 15084 of 2013
and

M.P(MD) No.1 of 2013
04.01.2018

vsn

SDS/KK/SAR 1/19.01.2018/3P/4C