

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 18.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.12714 of 2010
and M.P.No.1 of 2010

S.Prema

... Petitioner

Vs

1.The Commissioner,
Department of Employment and Training,
Guindy, Chennai - 600 032.

2.The Joint Director (Handicraft)
Department of Employment and Training,
Guindy, Chennai - 600 032.

3.The Principal,
Government Industrial Training Institute,
Ariyalur.

4.Devi

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, praying to call for the entire records in pursuant to proceedings No.9022/Pa.Aa.3/2006, dated 23.11.2009 issued by the 2nd respondent in favour of the 4th respondent and quash the same and consequently direct the respondents 1 and 2 to appoint the petitioner on compassionate ground.

For Petitioner : M/s.N.S.Sivakumar

For Respondent : Ms.K.Bhuvaneswari

Additional Government Pleader
for R1 to R3

O R D E R

The prayer in the writ petition is to issue a Writ of Certiorarified Mandamus, praying to call for the entire records, pursuant to proceedings No.9022/Pa.Aa.3/2006, dated 23.11.2009 issued by the 2nd respondent in favour of the 4th respondent, quash the same and consequently direct the respondents 1 and 2 to appoint the petitioner on compassionate ground.

2. The petitioner states that her husband viz., Sivakumar was employed with the 1st respondent's Office and he died on 09.08.2004, leaving the petitioner and 4th respondent, who is the daughter of the first wife of the deceased viz., Saroja. The first wife of the deceased died on 09.02.1987 and after her death, the deceased married the petitioner and she is having three un-married minor daughters aged about 16, 17 and 18 years.

3. Respondent No.4 is the daughter of the deceased, through his first wife. Compassionate appointment is not a matter of right and it is given to get over the indigent circumstance of the deceased family. Since the compassionate appointment is not a matter of right, this Court finds absolutely no infirmity in granting the appointment to the daughter of the deceased, born through the first marriage. In the absence of any concrete materials, the compassionate appointment of the fourth respondent / daughter born out of deceased and his first wife, shall hold good and she cannot be removed from the post.

4. Accordingly, this Writ Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CS-I)

//True Copy//

Sub Assistant Registrar

ub

To

1.The Commissioner,
Department of Employment and Training,
Guindy, Chennai - 600 032.

2.The Joint Director (Handicraft)
Department of Employment and Training,
Guindy, Chennai - 600 032.

3.The Principal,
Government Industrial Training Institute,
Ariyalur.

+lcc to Mr.N.S.Sivakumar, Advocate, S.R.No. 80254

+lcc to the Government Pleader, S.R.No. 80735

W.P.No.12714 of 2010

MP(CO)

GN(05/11/2019)