

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.02.2019

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mr. JUSTICE P.RAJAMANICKAM

W.P.No.3359 of 2019

S.Sameem

.. Petitioner

Vs.

The Principal District Judge,
Salem.

..Respondent

Prayer: Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the Impugned Order A.No.52/A/2018 dated 01.08.2018 on the file of the Respondent and quash the same, consequently, direct the Respondent to provide suitable job to the Petitioner on compassionate ground within a reasonable time to be fixed by this Court.

For Petitioner : Mr.R.Neelakandan

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

Heard the Learned Counsel for the Petitioner. The Petitioner is assailing the Impugned Proceedings of the Respondent / Principal District Judge, Salem dated 01.08.2018 whereby and whereunder the request of the Petitioner for Compassionate Appointment was rejected.

2. According to the Petitioner, her father died leaving his wife, viz., Haseenajan, Son, viz., Saleem, Daughter, viz., Sameem [Writ Petitioner] and Mother, viz., Gourjohn, as his legal heirs. As a matter of fact, the legal heirship certificate was issued by the Tahsildar, Salem.

3. The plea taken by the Petitioner in the Writ Affidavit is that after the demise of her father while in service, one of his legal heir is entitled to get 'Compassionate Appointment'.

4. The Learned Counsel for the Petitioner submits that the Petitioner's brother after securing job in Government service,

left their home and is living separately without extending any financial assistance to their family. Further, she is married and has a two year old son. Her husband is a daily coolie worker and their family is not having adequate income. She is to take care of her mother, grand mother and as such, their family is in indigent circumstances and they are struggling for their livelihood.

5. The Petitioner made an application on 14.09.2017 with no objection from other legal heirs, praying for a job being provided to her on 'Compassionate Ground'. She had enclosed her Educational Certificates, Community Certificate, Legal Heirship Certificate, Nativity Certificate and Comprehensive Certificate issued by the Tahsildar, Salem, indicating the indigent circumstances and other relevant factors of the family situation.

6. The Petitioner was called by means of a Notice dated 02.04.2018 to appear before the Respondent / Principal District Judge, Salem in person together with Original Certificates and documents, as mentioned in the Notice. She appeared in person and produced all the original certificates. The Respondent through proceedings dated 01.08.2018 had erroneously rejected her application stating that her brother is gainfully employed and family had not suffered any financial crunch. Hence the Petitioner has filed the present Writ Petition before this Court praying for passing of an order to call for the records relating to the Impugned Proceedings dated 01.08.2018 of the Respondent and to quash the same. Further, the Petitioner has sought for passing of an order by this Court in directing the Respondent to provide suitable job to the Petitioner on Compassionate Ground within a specified time to be determined by this Court.

7. The Petitioner / Applicant's marriage took place prior to the demise of her father, viz., S.Syed Saffiullah. She has a Master Degree in English [M.A] and Bachelor Degree in Education [B.Ed.,]. Her brother, viz., S.Saleem is working as a Senior Revenue Inspector, Kumarapalayam Taluk Office, Namakkal District. The scheme of Compassionate Ground Appointment is an exceptional one to the General Rule. In reality, the term 'Compassionate Appointment' is only meant to provide immediate succor and financial assistance to the family of a Government Servant, who died in harness. Further, if the deceased Government Servant had left the family in poverty and without any means of livelihood, then, the compassionate appointment may be extended to the family member of the deceased Government Servant.

8. In the instant case, the brother of the Petitioner is very much employed and serving as Senior Revenue Inspector, Kumarapalayam Taluk Office, Namakkal District, as per Consolidated Certificate issued by the Tahsildar, Salem. The

Respondent in the Impugned Order dated 01.08.2018 had clearly mentioned that by Letter of Undertaking and other documents, the brother of the Petitioner was residing with his mother and deceased father in the Tamilnadu Housing Board Unit, Salem during the lifetime of his father. After the demise of the Petitioner's father, her brother, S.Saleem could not retain the house allotted to his father in the Housing Board unit and therefore, he vacated the house and shifted to Kumarapalayam, Namakkal District. Looking at from any angle, the Writ Petition sans merits.

In fine, the Writ Petition is dismissed leaving the parties to bear their own costs.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

ssd

To

The Principal District Judge, Salem.

+1cc to Mr.R.Neelakandan, Advocate SR.No.9911

W.P.No.3359 of 2019

RK (CO)
GMY (27/02/2019)

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