

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.21490 of 2019

and

W.M.P.Nos.20696 and 20698 of 2019

G.Srividya

.. Petitioner

vs

1.The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
60, Mettupalayam Road,
Goundenpalayam,
Coimbatore 641 030.

2.The Tahsildar,
Kovai North Taluk,
Coimbatore.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the first respondent dated 10.06.2019 in Na.Ka.L1/0785/2019, quash the same and consequently direct the first respondent to consider the petitioner's claim for appointment on compassionate grounds.

For Petitioner :Mr.N.Elumalai

For Respondent 1 :Mr.L.P.Shanmugasundaram

For Respondent 2 :Mr.R.S.Selvam
Government Advocate

WEB COPY
O R D E R

This Writ Petition has been filed for the issuance for Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the first respondent dated 10.06.2019 in Na.Ka.L1/0785/2019, quash the same and consequently direct the

first respondent to consider the petitioner's claim for appointment on compassionate grounds.

2. The case of the petitioner is that the petitioner's father died on 17.01.2010 while in service. When the petitioner approached the first respondent department for compassionate appointment, she was informed that there is another claim for job on compassionate grounds. Hence the petitioner and her mother filed a civil suit in O.S.No.2073 of 2010 before the IV Additional District Munsif Court, Coimbatore and the trial has also held that the petitioner's mother is the legally wedded wife of deceased R.Ganesan. Therefore, the petitioner sent a representation dated 09.03.2018 to the respondents seeking employment and the said representation was not considered by the respondent. Hence she approached this Court and filed a Writ Petition vide W.P.No.1077 of 2019, directing the first respondent to consider her representation and the same was ordered by this Court on 18.01.2019. However, the first respondent demanded to produce the legal heirship certificate and No Objection Certificate from the claimants, in spite of the fact that in the Civil Suit, the petitioner's mother had been held to be the legally wedded wife and further the second respondent is also not issuing the legal heirship certificate. Since the first respondent is insisting on both the documents for consideration of the claim for appointment of compassionate grounds to the petitioner, the petitioner has preferred the present Writ Petition.

3. The only impediment for providing compassionate appointment by the first respondent to the petitioner is that the petitioner has not produced legal heirship certificate and also No Objection Certificate from the rival claimants. The first respondent insisted these documents in order to provide employment to the petitioner on the compassionate grounds. According to the petitioner, her mother succeeded before the IV Additional Munsif Court, Coimbatore in O.S.No.2073 of 2017 wherein she was declared as legally wedded wife of the deceased employee R.Ganesan and died in harness. Therefore it is for the petitioner to approach the second respondent for getting legal heirship certificate based on the judgment and decree passed by the Civil Court.

4. Accordingly, the petitioner is permitted to make representation for issuance of legal heirship certificate by producing the judgment and decree passed by the Civil Court in O.S.No.2073 of 2010 and on such representation being made by the petitioner, the second respondent is directed to consider the representation based on the judgment and decree by the Civil

Court and dispose of the same in accordance with law, if it is otherwise in order, within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the petitioner shall approach the first respondent for providing compassionate appointment by making an appropriate application along with legal heirship certificate and the first respondent shall consider the same without insisting No Objection Certificate from the rival claimants and pass appropriate orders within a period of six weeks thereafter.

5. With the above observation and direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(DR CJ conf)

//True Copy//

Sub Assistant Registrar

bkn

To

1.The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
60, Mettupalayam Road,
Goundenpalayam,
Coimbatore 641 030.

2.The Tahsildar,
Kovai North Taluk,
Coimbatore.

+1cc to Mr.N.Elumalai, Advocate SR.74750

+1cc to Mr.L.P.Shanmugasundaram, Advocate SR.95207

+1cc to the Government Pleader SR.95143

W.P.No.21490 of 2019

and

W.M.P.Nos.20696 and 20698 of 2019

SPD(CO)
CB(31/01/2020)