

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.07.2019

CORAM

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P.No.22383 of 2019 and
W.M.P.No.21714 of 2019

Kavitha

... Petitioner

Vs.

1.The Director,
Directorate of Public Health and Preventive Medicine,
No.359, Anna Salai, DMS Complex,
Teynampet, Chennai - 600 006.

2.The Deputy Director of Health Services,
Directorate of Health and Preventive Medicine,
TAHDCO Building, Trichy Road,
Villupuram.

3.The Block Medical Officer,
Primary Health Centre,
Valathi, Melmalayanur Taluk,
Villupuram District.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the 1st respondent in his proceedings in Na.Ka.No.27567/Pa.Tho.4/2017/Iru3 dated 02.11.2018 and quash the same and consequently direct the respondents herein to appoint the petitioner herein to the post of Junior Assistant on the ground of compassionate appointment.

For Petitioner : Mr.Ravichander D.

For Respondents : Mr.J.Pothiraj
Special Government Pleader

ORDER

According to the petitioner, her husband was employed as Sweeper in the Government Medical Centre, Valathi and he expired while in service on 13.12.2005. On the death of her husband, she

had submitted an application for compassionate appointment and the same was forwarded to the competent authority by the 2nd respondent. According to the petitioner, the application was made immediately after the death of her husband that in order to get employment. But, due to certain defects in the application, according to the petitioner, the same was returned and resubmitted over a period of time. Finally, by proceedings dated 02.11.2018, the request for compassionate appointment was rejected on the ground that the petitioner had re-married, in the meanwhile. The said rejection order is put to challenge in the present writ petition.

2. Although the petitioner attempted to argue that re-marriage by itself is not a bar for seeking compassionate appointment, this Court is unable to accept such argument for the simple reason that the scheme for compassionate appointment is to provide an immediate employment assistance to the family in indigent circumstances. In this case, the petitioner's husband is said to have died in 2005 and subsequently, the petitioner is re-married and established a different matrimonial home. In that view of the matter, this Court does not think that the petitioner can seek for compassionate appointment. The employment assistance cannot be extended to such situation, in view of the subsequent development of re-marriage of the petitioner. Even otherwise, the claim for compassionate appointment is extremely belated and time barred and hence, such request was rightly rejected.

3. In the above circumstances, this Court does not think that the Writ Petition can be entertained and hence, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The Director,
Directorate of Public Health and Preventive Medicine,
No.359, Anna Salai, DMS Complex,
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2.The Deputy Director of Health Services,
Directorate of Health and Preventive Medicine,
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3.The Block Medical Officer,
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Valathi, Melmalayanur Taluk,
Villupuram District.

+1cc to Mr.D.Ravichander, Advocate Sr.65391

+1cc to the Government Pleader Sr.65911

W.P.No.22383 of 2019

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srg 16/09/2019



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