

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.27507 of 2019

Vijaya

..Petitioner

Vs.

1.The Director of Public Health
and Preventive Medicine
D.M.S. Compound
Teynampet, Chennai-600 006.

2.The Deputy Director of Health Services
Perambalur District
Perambalur-612 212.

3.The Block Medical Officer
Primary Health Centre
Valikandapuram
Perambalur District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for records pertaining to the proceedings of the 2nd respondent in Na.Ka.EN:212/A2/2019, dated 25.04.2019, quash the same and consequently, direct the respondents to provide the compassionate appointment to the suitable post for the petitioner pursuant to her application dated 25.02.2019.

For Petitioner : Mr.V.Govardhanan

For Respondents : Ms.R.Janaki

Additional Government Pleader

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ORDER

Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus calling for records pertaining to the proceedings of the 2nd respondent in Na.Ka.EN:212/A2/2019, dated 25.04.2019, quash the same and consequently, direct the respondents to provide the compassionate appointment to the suitable post for the petitioner pursuant to her application dated 25.02.2019.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents. By consent, the writ petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner belongs to ST Community and her husband, who also belongs to the same community, joined in service as multi purpose hospital worker on the basis of daily wages pursuant to the appointment order issued by the 2nd respondent vide proceedings dated 03.08.2018. While he was in service, he died on 07.11.2018 due to his ill health. Thereafter, the petitioner has made an application for compassionate appointment. However, the said application was rejected by the 2nd respondent vide his proceedings dated 25.04.2019 on the ground that the petitioner's husband employed as a daily wager on contract basis and that the daily wagers are not entitled for compassionate appointment. Hence, this writ petition.

4. Learned counsel for the petitioner submitted that though the daily wagers are not entitled for compassionate appointment, they are entitled to claim on par with regular employees. However, it would suffice, if this Court issues direction to the respondents to engage the petitioner as daily wager.

5. Learned Additional Government Pleader for the respondents submitted that if any representation is made by the petitioner for engaging herself as daily wager, it would be considered.

6. Considering the limited request made by the learned counsel appearing for the petitioner, the petitioner is directed to make a representation to the respondents within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents are directed to consider the same, pass appropriate orders on merits and in accordance with law, within a period of four weeks thereafter.

7. In the result, with the above observation, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Director of Public Health
and Preventive Medicine
D.M.S. Compound
Teynampet, Chennai-600 006.

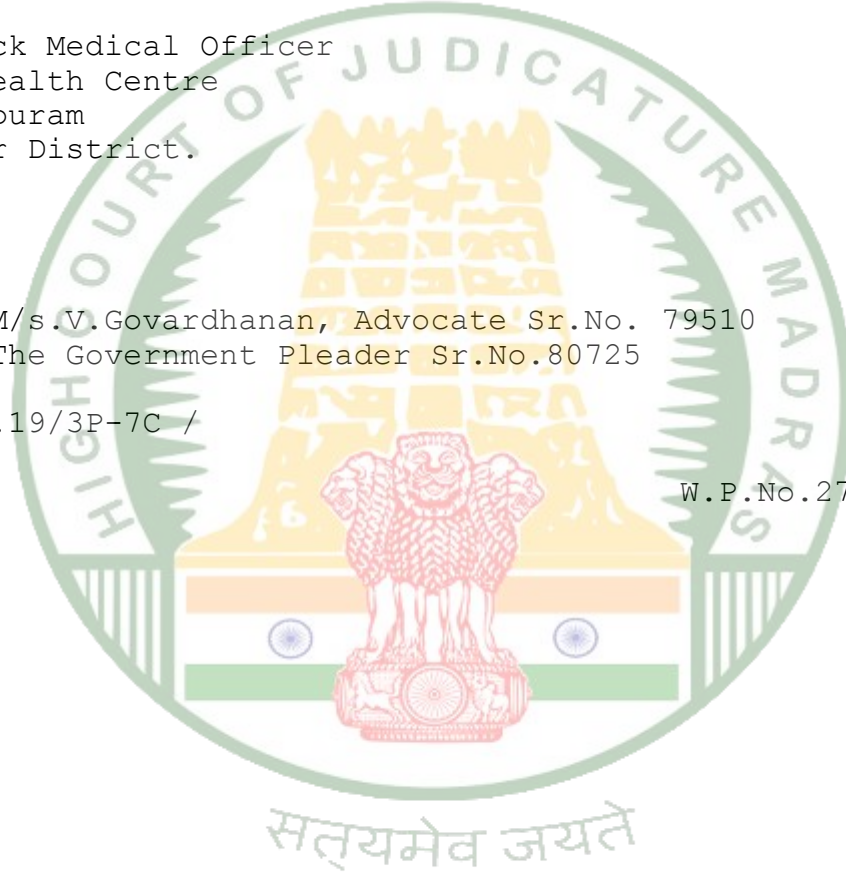
2.The Deputy Director of Health Services
Perambalur District
Perambalur-612 212.

3.The Block Medical Officer
Primary Health Centre
Valikandapuram
Perambalur District.

+1 cc to M/s.V.Govardhanan, Advocate Sr.No. 79510
+1 cc to The Government Pleader Sr.No.80725

AKM/01.11.19/3P-7C /

W.P.No.27507 of 2019



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