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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.12.2019
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
W.P No.34826 of 2019

Abirami

Petitioner

vs.

The Commissioner,
Erode Corporation,
Erode.

Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the respondent vides his office Proc. No.Na.Ka.No.3106/2019/C2 dated 21.08.2019 and quash the same and consequently direct the respondent to appoint the petitioner in any of the qualified post under compassionate appointment within an appropriate time.

For Petitioner : Mr.I.C.Vasudevan
For Respondents: Mr.M.Raja Mathivanan
Standing Counsel

O R D E R

This writ petition has been filed challenging the order passed by the respondent rejecting the application given by the petitioner seeking for compassionate appointment.

2.It is seen from records that the mother of the petitioner was working as sweeper in the respondent Corporation and she died in harness on 06.02.2017. She left behind three daughters and the petitioner herein is one of the daughters of the deceased employee. It is the further case of the petitioner that the father of the petitioner is also working in the respondent Corporation, however, he is said to be leading a wayward life and he is not maintaining the family. Therefore, the petitioner is not able to support the family and she has approached the respondent seeking for compassionate appointment. The respondent had rejected the request made by the petitioner on the ground that the father of the petitioner is already an employee working with the respondent Corporation.

3.The learned counsel for the petitioner submitted that the petitioner wanted her name to be considered for compassionate appointment in the place of her deceased mother who was working



in the Corporation. The learned counsel submitted that the petitioner does not have any support from her father who is leading a wayward life and therefore, the respondent went wrong in taking into consideration the employment of the father in the Corporation and thereby denied employment to the petitioner on compassionate ground.

4.Per contra, the learned counsel appearing on behalf of the respondent submitted that compassionate appointment is considered only to tide over the immediate financial requirements of a family which has lost its bread winner. The learned counsel submitted that the father of the petitioner is already working in the respondent Corporation and therefore, the petitioner cannot be considered for compassionate appointment. The learned counsel submitted that insofar as the contention that the father of the petitioner is leading a wayward life and is not properly maintaining the family is concerned, the same cannot be taken as a ground for considering the petitioner to be appointed on compassionate grounds. The learned counsel therefore submitted that there are no merits in the writ petition,

5.This Court has carefully considered the submissions made on either side and also the materials available on record.

6.The respondent has rejected the request made by the petitioner seeking for compassionate appointment mainly on the ground that the father of the petitioner is already working in the Corporation as a permanent employee and therefore, the petitioner who is the daughter cannot be considered for employment. This Court does not find any illegality in the order passed by the respondent. The very fact that the father of the petitioner is leading a wayward life and he is not maintaining the family, cannot be a ground for giving the petitioner employment on compassionate grounds. Such considerations goes beyond the scope of compassionate appointment.

7.In the result, this writ petition stands dismissed. No Costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



To

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1. The Commissioner,
Erode Corporation,
Erode.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.I.C.Vasudevan, Advocate sr.104780

+1cc to Mr.M.Raja Mathivanan, Advocate sr.104784

W.P No.34826 of 2019

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nr 23/01/2020