



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.09.2019
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI
W.A. (MD) No.373 of 2019
and
C.M.P. (MD) No.3309 of 2019

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1.The Government of Tamil Nadu,
Rep. by the Principal Secretary,
Labour and Employment Department,
Fort St. George,
Chennai - 600 009.

2.The Commissioner of Labour,
Teynampet,
Chennai - 600 006.

3.The Deputy Commissioner of Labour,
Madurai.

... Appellants

-vs-

M.K.Kumaresh Babu

... Respondent

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 06.10.2016, made in W.P.(MD) No.16389 of 2013, on the file of this Court.

Prayer in WP(MD). 16389/ 2013 :

Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in proceedings No. G3/40418/11 dated 24.01.2013 quash the same and directing the respondents to give appointment to the petitioner on compassionate ground.

For Appellants : Mr.A.K.Baskarapandian
Special Government Pleader
For Respondent : Mrs.S.Prabha
For Mr.D.Ramesh Kumar

J U D G M E N T

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the appellants and Mrs.S.Prabha, learned counsel representing Mr.D.Ramesh Kumar, learned counsel for the respondent.



2.The Writ Appeal has been filed challenging the order dated 06.10.2016, passed in W.P.(MD) No.16389 of 2013. By consent on either side, this Writ Appeal is taken up for final disposal.

3.The respondent/writ petitioner sought for compassionate appointment on the demise of his mother, who was employed in the Labour Department and died in harness. It is not in dispute that the respondent's mother died on 16.10.1997 and at that time the respondent was 4 years old. The respondent's father was very much alive and he is stated to be unemployed. In any event, the relief was sought for after the minor child attained majority. The object for granting compassionate appointment is to alleviate from the suffering immediately on the death of the Government servant. Here, father of the respondent was very much alive to support the respondent. The decision relied on by the Single Bench in **W.A. (MD) No.1367 of 2011, dated 23.03.2012** is distinguishable, since it pertains to a matter concerning Tamil Nadu Electricity Board, where there was a separate set of regulations for grant of compassionate appointment. We therefore, can sympathize for the respondent, but cannot grant the relief.

4.For the above said reasons, this Writ Appeal is allowed and the order of the learned Single Judge dated 06.10.2016, made in W.P. (MD) No.16389 of 2013 is set aside. Consequently, connected C.M.P. is closed. No costs.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Principal Secretary,
Labour and Employment Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
- 2.The Commissioner of Labour,
Teynampet,
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W.A.(MD) No.373 of 2019

+1 CC to MR.D.RAMESHKUMAR, Advocate (SR-86969[F] dated 17/09/2019)

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sj

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