



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) .No.11771 of 2015

T.Manimegalai

... Petitioner

-Vs-

1.The District Forest Officer,
District Forest Office,
Dindigul.

2.The Conservator of Forest,
Dindigul Forest Circle,
Dindigul District.

3.The Superintendent,
Office of the District Forest Officer,
Dindigul Forest Circle,
Dindigul.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records relating to the impugned order dated 10.06.2015 in Na.Ka. No.8989/2015 P1 passed by the third respondent and quash the same and consequentially directing the first respondent to appoint the petitioner to any suitable post based on her educational qualification on compassionate ground.

For Petitioner : Mr.J.Barathan

For Respondents : Mr.M.Jeyakumar
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to quash the order of rejection passed by the third respondent in proceeding dated 10.06.2015 and appoint the writ petitioner an any one of the suitable post on compassionate ground.

2.The learned counsel appearing on behalf of the writ petitioner states that the father of the writ petitioner was working as Watcher in Forest Department and died on 23.09.2013, while he was in service. The writ petitioner submitted an



application seeking appointment on compassionate ground. However, the said application was rejected by the respondents in proceedings dated 10.06.2015 on the ground that the writ petitioner is a married daughter of the deceased employee and therefore, the case of the writ petitioner cannot be considered.

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3.However, the Government issued orders in G.O.Ms.No.78, Labour and Employment (Q1) Department dated 21.04.2017 stating that the married daughters of the deceased employees are also eligible for appointment on compassionate ground. In fact, the benefit of the scheme of compassionate appointment is extended to the married sons of the deceased employees and therefore, the married daughters cannot be denied appointment on compassionate ground. There cannot be any discrimination on the basis of the gender and accepting the said principles of the constitution, the Government issued orders in G.O.Ms.No.78, Labour and Employment (Q1) Department, dated 21.04.2017.

4.The counter affidavit filed by the first respondent also reveals that the said Government Order provides that the married daughters of the deceased employees are eligible to avail the benefits of scheme of compassionate appointment. Pursuant to the said Government Order, the petitioner has been instructed in proceeding dated 22.08.2017 to submit necessary documents for processing her appointment on compassionate ground.

5.This being the factum, the impugned order passed by the third respondent in proceeding dated 10.06.2015 in Na.Ka.No.8989 of 2015 Pl is quashed. The respondents are directed to reconsider the case of the writ petitioner strictly in accordance with the terms and conditions of the scheme of compassionate appointment as expeditiously as possible based on the seniority.

6.Accordingly, the Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar (AD-I)

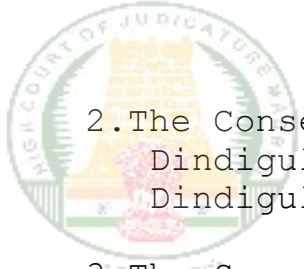
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Sub Assistant Registrar(CS)

To

1.The District Forest Officer,

<https://hcservices.ecourt.gov.in/hcservices>
District Forest Office,
Dindigul.



2.The Conservator of Forest,
Dindigul Forest Circle,
Dindigul District.

3.The Superintendent,
Office of the District Forest Officer,
Dindigul Forest Circle,
Dindigul.

+1 CC to M/s.T.R.JEYAPALAM, Advocate SR-74698.

+1 CC to SPL GP SR-74754.

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