



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.15065 of 2015

WEB COPY

A.Inbarani

... Petitioner

vs.

1.The Secretary

Government of Tamil Nadu

Department of Municipal and Water Supply

Secretariat, Chennai

2.The Director of Town Panchayath

Kuralagam, Chennai

3.The Assistant Director of Town Panchayath

Sivagangai District, Sivagangai

4.The Executive Officer

Elayyankudi Town Panchayath

Elayyankudi, Sivagangai District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records of the 4th respondent's communications in Na.Ka.No.66/2013/A1 dated 15.04.2013 and Na.Ka.No.A1/251/2015 dated 22.06.2015 quash the same and consequently direct the respondents to give compassionate ground appointment to the petitioner as per the petitioner's eligibility due to the death of her father Arulanthu.

For Petitioner : Mr.A.Haja Mohideen

For Respondents: Mr.S.Dhayalan

Government Advocate for R1 to R3

Mr.J.Gunaseelan Muthiah

Additional Government Pleader for R4

O R D E R

The orders of rejection, dated 15.04.2013 and 22.06.2015, passed by the fourth respondent, rejecting the claim of the writ petitioner for compassionate appointment, are under challenge in the present writ petition.

2. The father of the writ petitioner was employed as

<https://hcservices.ecourts.gov.in/hcservices/>



Sanitary Worker in the fourth respondent / Town Panchayat and died on 10.10.2009, while he was in service. The writ petitioner submitted an application seeking appointment on compassionate grounds. However, the said application was rejected on the ground that the son of the deceased employee Mr. Anandraj is working in the very same Panchayat Union as Sanitary Worker. In view of the fact that the son of the deceased employee is already working in the same Panchayat Union, the scheme of compassionate appointment cannot be extended in favour of the writ petitioner.

3. The very purpose and object of the scheme of compassionate appointment is to mitigate the circumstances arising on account of the sudden death of the employee. In this case, the brother of the writ petitioner is already employed in the very same Panchayat Union, where the deceased employee / father was working and therefore, as per the terms and conditions of the scheme of compassionate appointment, the benefit of compassionate appointment cannot be extended in favour of the writ petitioner in view of the legal principles settled by the Courts. Thus, there is no infirmity in respect of the orders of rejection passed by the fourth respondent and the writ petitioner is not entitled for appointment on compassionate grounds.

4. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To:

1. The Secretary,
Government of Tamil Nadu,
Department of Municipal and Water Supply,
Secretariat, Chennai.
2. The Director of Town Panchayath,
Kuralagam, Chennai.
3. The Assistant Director of Town Panchayat,
Sivagangai District, Sivagangai.
4. The Executive Officer,
Elayyankudi Town Panchayath,
Elayyankudi, Sivagangai District.



+1 CC to M/s.SPL GP (SR-83569[F] dated 27/08/2019)

+1 CC to M/s.J. GUNASEELANMUTHIAH, Advocate (SR-83711[F] dated 28/08/2019)

+1 CC to M/s.A. HAJA MOHIDEEN, Advocate (SR-83882[F] dated 28/08/2019)

KRK

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