



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE **D. KRISHNAKUMAR**

WEB COPY

W.P(MD)No.20772 of 2017

F. Abisha

... Petitioner

Vs.

The Superintendant of Police,
Thoothukudi District, Thoothukudi.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus calling for the records relating to the order passed by the respondent in Na.Ka.No.A4/17073/295/2016 dated 17.03.2017 and quash the same and consequently direct the respondent to give the post on compassionate appointment to the petitioner for the death of her mother viz., Muthulakshmi, based on her representation dated 10.06.2016.

For Petitioner : Mr.C. Vakeswaran

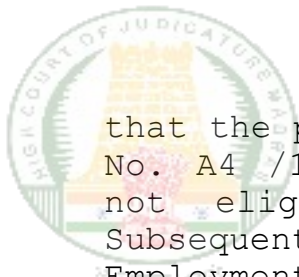
For Respondents : Mr.A. Muthukaruppan
Additional Government Pleader

ORDER

This writ petition has been filed to quash the impugned order passed by the respondent in Na.Ka.No.A4/17073/295/2016, dated 17.03.2017 and consequently, direct the respondent to give the post on compassionate appointment to the petitioner for the death of her mother viz., Muthulakshmi, based on her representation dated 10.06.2016.

2. According to the petitioner, she has made a representation, dated 17.03.2017 to the respondent seeking for the appointment under the compassionate on the ground of the death of her mother. The respondent has considered the said representation and rejected the same on the ground that the petitioner's marriage is prior to the death of the petitioner's deceased mother and hence, she is not eligible for the compassionate appointment. Challenging the aforesaid order, the petitioner has filed the present Writ Petition before this Court.

3. The learned Additional Government Pleader appearing for the respondent placed a proceeding issued by the respondent in C. No. A4/53897/2015 dated 26.07.2019, wherein, it has been stated



that the petitioner's request was rejected by the respondent in Lr. No. A4 /17073/295/2016, dated 17.03.2017, as married daughter is not eligible for the appointment on compassionate grounds. Subsequently, the Government has passed G.O(Rt).No.78, Labour and Employment (Q -1) Department dated 21.04.2017, wherein, it is stated that the married daughter is also eligible for the appointment on compassionate grounds in view of the death of Government Servant while in service and accordingly, the request of the petitioner was sent to the Director General of Police, Chennai in Letter No. A4/17073/295/ 2016, dated 27.10.2017 for the appointment of the petitioner to the post of Junior Assistant and further submitted that her name was kept in Sl.No.2830 in the waiting list of the compassionate ground appointment maintained at the office of the Director General of Police, Chennai,.

4. Considering the facts and the aforesaid submission made by the learned Additional Government Pleader appearing for the respondent and in the light of G.O(Rt). No.78, Labour and Employment (Q-1) Department, dated 21.04.2017 and also the proposal has been forwarded to Director General of Police, Chennai, this Court has no hesitation to quash the impugned order passed by the respondent.

5. Accordingly, the impugned order passed by the respondent, dated 17.03.2017 is quashed and the Writ Petition is allowed. However, the petitioner is given liberty to work out his remedy before the Director General of Police, Chennai in the manner known to law. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)

trp
To

- 1.The Superintendant of Police,
Thoothukudi District, Thoothukudi.
2. The Director General of Police, Chennai.

+1CC TO MR.C.VAKEESWARAN, Advocate Sr. No. 79764

W.P (MD) No.20772 of 2017
05.08.2019

CS (CO)
TR (29.08.2019) 2P 4C



WEB COPY

W.P(MD)No.20772 of 2017