

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P.No.9958 of 2020

P.Vennila

... Petitioner

vs.

1. The District Collector,
Cuddalore District.

2. The Block Development Officer,
Nallur Panchayat Union,
Nallur, Cuddalore District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to pass appropriate orders on the representation dated 25.01.2019 and 20.06.2019 made by the petitioner herein.

For Petitioner : Mr.T.Sundaravadanam
For Mr.S.Annamalai

For Respondents: Mr.P.S.Siva Shanmuga Sundaram
Spl. Govt. Pleader

O R D E R

This Writ Petition has been filed for a direction to the 1st and 2nd respondents to pass appropriate orders on the representation dated 25.01.2019 and 20.06.2019 made by the petitioner herein.

2. Mr.P.S.Siva Shanmuga Sundaram, learned Special Government Pleader takes notice for the respondents. By consent of both parties, this writ petition is disposed of at the admission stage itself.

3. The case of the petitioner is that after the demise of her mother on 03.11.2010 while in service, she was appointed as Noon Meal Cook on compassionate ground on 19.04.2018 and she also joined the service on 29.04.2019. It is the further case of the petitioner that she studied upto 12th standard and sent two

representations dated 25.01.2019 and 20.06.2019 to the 1st respondent to consider appointing her in the post of Noon Meal Organizer in any of the school. Since her representations did not evoke any response, the petitioner is before this Court for a suitable direction.

4. Heard the learned Special Government Pleader appearing for the respondents.

5. Admittedly, the petitioner has been provided compassionate appointment and posted as Noon Meal Cook and she cannot demand that she should be appointed in a particular post. The Apex Court in the case of Bhawani Prasad Sonkar vs. Union of India reported in 2011 (4) SCC 209, held that compassionate employment cannot be granted as a matter of course by way of largesse, irrespective of the financial condition of the deceased/incapacitated employees family at the time of his death. I myself considered the similar issue and rendered a finding with regard to compassionate appointment in the case of S.Gowtham Balu The Managing Director, Tamil Nadu Electricity Generation and Distribution Corporation, 144, Anna Salai, Chennai - 600 002 and another [W.P.(MD)Nos.4129, 7045, 16624 and 20786 of 2014] decided on 24.09.2018 holding that compassionate appointment should be restricted only to Class-IV employment instead of Class-III & IV, so that the claim for compassionate appointment would be reduced.

6. Though the relief sought for in this writ petition is with regard to disposal of her representations, grant of such prayer to the petitioner will amount to opening a Pandora Box and this Court do not want to be a party to start further litigation. The petitioner relied upon the Government Order dated 23.01.2020 made in G.O.Ms.18, Labour & Employment Department to state that compassionate appointment can be considered for Group-C post also. It is pertinent to mention here that the said Government Order is the outcome of the order passed by this Court on 24.09.2018 (referred to supra) and though this Court specifically directed the Government to restrict compassionate appointment only to Class-IV employment instead of Class-III & IV, it is not known as to why Government included the Group-C post in its Order. Moreover, the petitioner was appointed as Noon Meal Cook, prior to the issuance of the aforesaid Government Order and no Government Order can be given retrospective effect and therefore, she cannot claim any right for appointment as Noon Meal Organizer based on the said Government Order.

7. In view of what is stated herein-above and finding no merits in the submission of the petitioner, this Writ Petition is dismissed as devoid of merits. No costs.

Sd/-
Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

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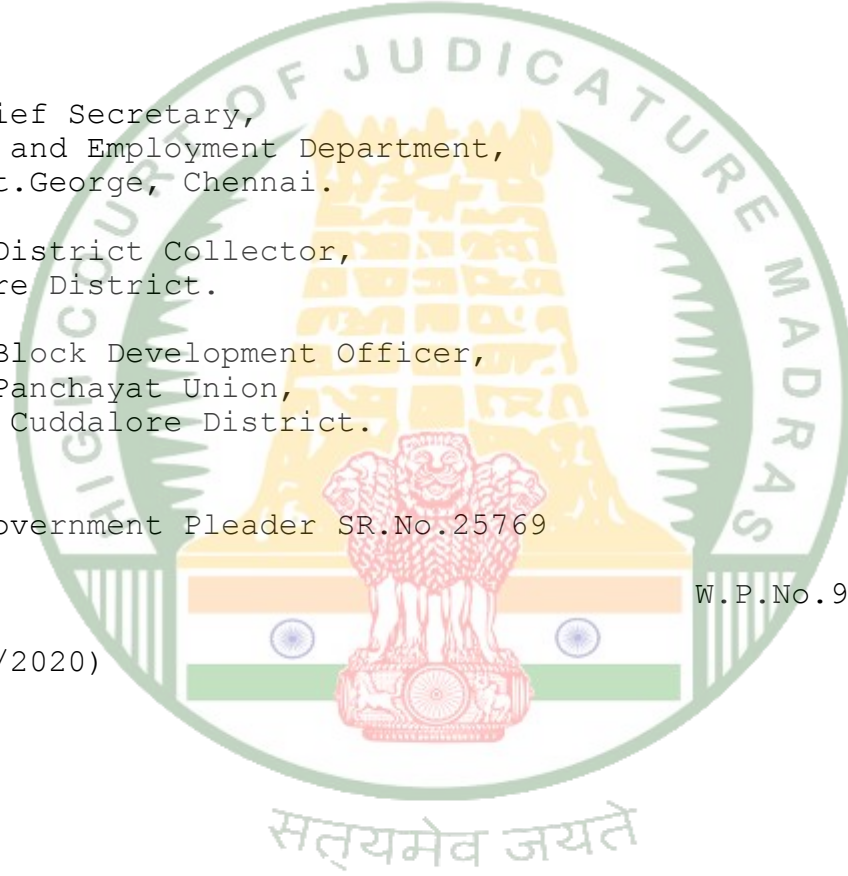
To:

1. The Chief Secretary,
Labour and Employment Department,
Fort St.George, Chennai.
2. The District Collector,
Cuddalore District.
3. The Block Development Officer,
Nallur Panchayat Union,
Nallur, Cuddalore District.

+1cc to Government Pleader SR.No.25769

SAI (CO)
GMY (21/10/2020)

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