

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25636 of 2014

Manjula

... Petitioner

Vs.

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The Tahsildar,
Taluk Office,
Dhenkanikotai Taluk,
Krishnagiri District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 14.05.2014 passed in Na.Ka.16857/2013 (A4) on the file of the second respondent herein, quash the same and consequently direct the respondents herein to provide appointment to the petitioner's son Sunil Kumar on compassionate ground with all attendant benefits and retirement benefits of the petitioner's husband (Late) Ellappa.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.S.Thangavel

Special Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 14.05.2014 passed in Na.Ka.16857/2013 (A4) on the file of the second respondent, to quash the same and to consequently direct the respondents to provide appointment to the petitioner's son Sunil Kumar on compassionate ground with all attendant benefits and retirement benefits of the petitioner's husband (Late) Ellappa.

2.The case of the petitioner is that the petitioner's husband was appointed as Village Assistant in the Kuppathi Village during the year 1991 and he died on 14.02.2000, while he was in service. Thereafter, the petitioner made application seeking appointment on compassionate grounds and also made representation for sanction of retirement benefits due to her husband, however, vide the impugned order, the petitioner's claim was rejected. Hence, this writ petition.

3.The learned counsel appearing for the petitioner would submit that the petitioner made application seeking appointment on compassionate grounds to the respondents by enclosing copies of all

the relevant documents and she was also called for to attend enquiry by the second respondent and the petitioner also attended the enquiry, however, no order was passed by the respondents. He would further submit that though the petitioner's husband has put in less than ten years of service, he is entitled for terminal benefits except pension. Hence, the impugned order is unsustainable one.

4.This Court also heard the submissions made by the learned Special Government Pleader and also perused the materials available on record.

5.Perusal of records disclose that the petitioner's husband was appointed as Village Assistant in the Kuppathi Village during the year 1991 and he died on 14.02.2000, while he was in service. Thereafter, the petitioner made application seeking appointment on compassionate grounds by enclosing copies of all the relevant documents and also made representation for sanction of retirement benefits due to her husband.

6.Perusal of records further disclose that the petitioner was called for to attend enquiry by the second respondent on 14.06.2002

and the petitioner also attended the enquiry. Hence, it is evident that the petitioner has made application seeking appointment on compassionate grounds within the period of three years from the date of her husband's death. Hence, this Court is inclined to set aside the impugned order and to remand the matter back to the second respondent for fresh consideration.

7. Accordingly, the impugned order is set aside and the matter is remanded back to the second respondent for fresh consideration and for passing appropriate orders. The second respondent is directed to send communication to the petitioner to appear for enquiry. On the date of enquiry, the petitioner is permitted to produce the necessary documents so as to enable the second respondent to pass appropriate orders.

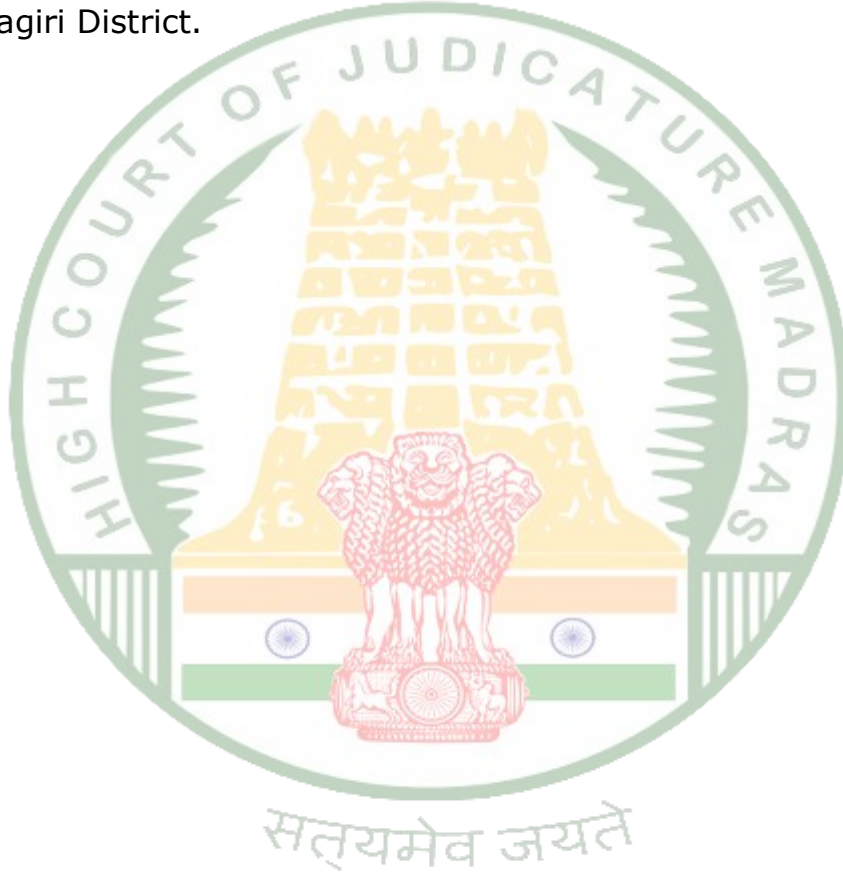
8. The writ petition is allowed on the above terms. No costs.

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

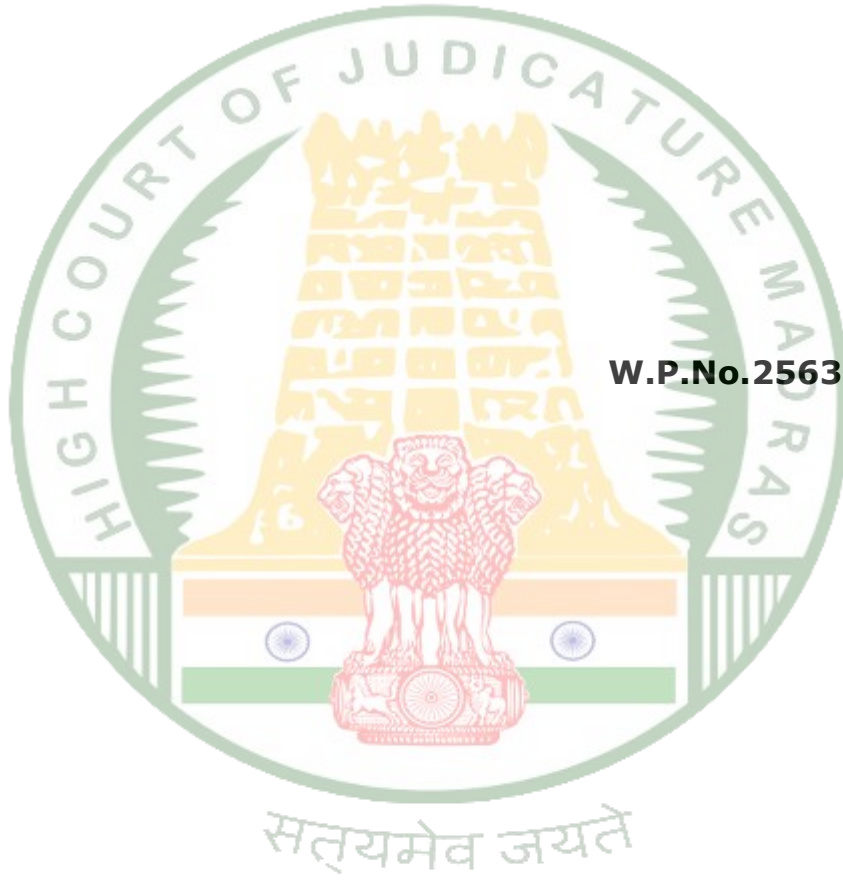
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