



W.A.(MD) No.1052 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2020

CORAM:

THE HON'BLE MR.A.P.SAHI, THE CHIEF JUSTICE

and

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A. (MD) No.1052 of 2011

and

M.P. (MD) No.3 of 2011

N.S.Umadevi

... Appellant/Petitioner

-vs-

1.The District Employment Officer
District Employment Office
Virudhunagar

2.The Directorate of School Education
Chennai

... Respondents/Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 02.11.2010, passed in W.P.(MD) No.734 of 2009, on the file of this Court.

Prayer in WP(MD). 734/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the first respondent dated 12.12.2008 made in Athi Mu/a6/10783/08 and quash the same and direct the first respondent to register the priority of the petitioner on the basis of the representation made by the petitioner to the first respondent on 25.11.2008.

For Appellant : Mr.R.Vijayakumar
For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader

J U D G M E N T

[Delivered by the Hon'ble CHIEF JUSTICE]

Heard the learned counsel for the appellant and perused the records.

2. The learned counsel for the appellant has urged that the learned Single Judge has refused to exercise his discretion in a matter of compassionate appointment, on the ground that the Government letter, dated 29.02.1988 clarifies the status of eligibility of any such relief and therefore, the appellant, not



falling under the said category, was not entitled to compassionate appointment. The claim of compassionate appointment is based on the ground that the family of the appellant has been deprived of it's land, that came to be acquired.

3. We have perused the provisions and we find that the employment is a privilege extended to one of the members of the family in the event of acquisition. The appellant, in the declaratory form, has indicated that she is the daughter-in-law of the late tenure holder, whose land was acquired. It is not disputed by the learned counsel for the appellant that the husband of the appellant is already working. In such a situation, we cannot comprehend the status of the appellant to be that of a person dependent upon the livelihood related to the land, which came to be acquired as her husband is already working. In the said background, even if the contention is raised that the clarificatory letter, dated 29.02.1988, has been quashed by this Court in **P.Thirumal vs. State of Tamil Nadu**, reported in (2013) 7 MLJ 656, yet in the background of the facts of the present case, we do not find this is to be a fit case for exercise of discretion in favour of the appellant.

4. The writ appeal is therefore rejected. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

krk / sts

To:

1.The District Employment Officer,
District Employment Office,
Virudhunagar.



W.A.(MD) No.1052 of 2011

2.The Directorate of School Education,
Chennai.

+1 CC to M/s.SPL GP (SR-20477[F] dated 16/10/2020)

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NA (CO)

KB (29.10.2020) 3P 4C