



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 16.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.25764 of 2009

V.Deepa

... Petitioner

Vs.

1. State of Tamil Nadu, represented by  
Secretary to Government,  
Revenue Department, Fort St. George,  
Chennai 600 009.

2. The District Collector,  
Dharmapuri District, Dharmapuri.

... Respondents

Prayer Writ petition filed under Section 226 of the Constitution of India seeking to issue a writ of Certiorarified Mandamus to call for the records of the second respondent dated 21.09.2007 made in Na.Ka.No.35155/2007(A4) and quash the same and further direct the second respondent to consider the representation dated 20.07.2006, within a fixed time frame.

For petitioner : Mr.M.Selvam

For respondents: Mr.T.Arun Kumar,  
Addl. Govt. Advocate

ORDER

This writ petition has been filed to quash the impugned order dated 21.09.2007 made in Na.Ka.No.35155/2007(A4) and direct the second respondent to consider the representation of the petitioner dated 20.07.2006, within a fixed time frame.

2. The case of the petitioner is that his father B.Vijayakumar was working as Village Administrative Officer in Thadakkam Village, Dharmapuri District and while he was in service, died in a road accident on 22.02.2001 leaving behind his wife, and four daughters, including the petitioner. At the time of death of petitioner's father, his mother was not adequately



educated. Hence, the petitioner's mother gave representation dated 25.05.2001 seeking compassionate appointment to her eldest daughter namely V.Sivashankari. However, there was no action taken. In the meanwhile, she got married and she is living in her matrimonial home. Therefore, the petitioner's mother has given another representation dated 20.07.2006 to the second respondent requesting to give appointment to the petitioner on compassionate grounds. But the second respondent had rejected the representation dated 20.07.2006 vide letter dated 21.09.2007, citing a Government Letter No.51640 dated 07.08.2007, on the ground that the request for appointment for another person, instead of earlier applicant, could not be accepted. Challenging the above said order, this writ petition has been filed.

3. The learned counsel appearing for the petitioner submitted that since the elder sister of the petitioner got married and residing along with her husband, another representation was given by her mother to consider the candidature of the petitioner. But, the respondents have not considered the above representation with proper prospective and hence, the impugned order is liable to be quashed.

4. The learned Government Advocate would submit that the petitioner's mother has given a representation dated 25.05.2001 requesting to give compassionate appointment to her elder daughter namely Sivashankari. But, there is no provision in the Government Scheme to give alternative employment to the another legal heir of the deceased employee, as requested by her in the another representation dated 20.07.2006. The petitioner's mother has to proceed with the earlier application for employment on compassionate ground. Without restoring the said action, the petitioner's mother has given another representation seeking employment for the petitioner. Since the first application was for appointment of first daughter namely Sivashankari and the another application was for appointment of third daughter, the petitioner herein, the respondents have decided that it is not a fit case for consideration and hence, the respondents have rightly rejected the representation of the petitioner's mother.

5. Heard the rival submissions made by the learned counsel for both sides and perused the materials on record.

6. It is pertinent to note that the Government has examined the whole issue of compassionate ground appointment in detail and issued the Government Order in G.O.Ms. No.18 dated 23.01.2020. In the above said Government Order, the Government has issued a comprehensive guidelines for compassionate ground



appointment, in super session of all the earlier orders issued. Further, in the above said order, with regard to the alternative application, it has been held thus.

Alternative Application: If the applicant (legal heir of deceased Government Servant) died after applying for compassionate ground appointment, an alternative application may be accepted from the another legal heir of the deceased Government Servant, subject to conditions prescribed for compassionate ground appointment.

The above guidelines clearly stated that, alternative application shall be submitted only in exceptional cases, where the applicant died, after applying compassionate appointment. But the present case on hand does not come under the above category to consider the alternative application, because, the case of the petitioner is that, since her sister got married, her candidature to be considered by the respondents for compassionate appointment. As rightly pointed out by the learned Government Advocate, the petitioner's mother has submitted a representation dated 25.05.2001 seeking compassionate appointment to her elder daughter namely Sivashankari. But, without resorting to proceed with the earlier application, another application has been submitted on 20.07.2006 by the petitioner's mother seeking compassionate appointment in favour of the petitioner, who is her third daughter. On that ground, the petitioner is not entitled to claim any relief as prayed for. Therefore, the respondents have rightly rejected the representation of the mother of the petitioner and hence, this court is of the view that there is no merits in the writ petition. However, it is made clear that, this court will not stand in a way to consider the earlier application submitted by the mother of the petitioner in favour of Sivashankari, if it is still pending and otherwise eligible.

8. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

mst



To

1. State of Tamil Nadu, represented by  
Secretary to Government,  
Revenue Department, Fort St. George,  
Chennai 600 009.

2. The District Collector,  
Dharmapuri District, Dharmapuri.

+1cc to Mr.M.Selvam, Advocate SR.No.58755  
+1cc to the Government Pleader, SR.No.59500

W.P.No.25764 of 2009

VSN-II(CO)  
CB(03/12/2021)