



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.22881 of 2015

and

MP.No.1 of 2015

A.Priyadarshini

... Petitioner

Vs

1. The Director,
Directorate of Local Fund Audit,
Kuralagam IV Floor,
Chennai - 600 108.

2. The Zonal Joint Director,
Local Fund Audit,
Coimbatore.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent pertaining to the proceedings in Na.Ka.No. Pa. & Ni II (7)/14307/2014 dated 11.08.2014 and quash the same and consequently direct the respondents to give employment to the petitioner on compassionate grounds based on the representation dated 23.07.2014.

For Petitioner : Mr.P.Valliappan

For R1 & R2 : Mr.P.Chinnadurai, AGP

ORDER

Heard both sides and perused the materials placed before this Court.

2. The relief sought for in this writ petition is to call for the records from the file of the first respondent pertaining to the proceedings in Na.Ka.No. Pa. & Ni II (7)/14307/2014 dated 11.08.2014 and quash the same and consequently direct the respondents to give employment to the petitioner on compassionate grounds based on the representation dated 23.07.2014.



3. According to the petitioner, she was the elder daughter of one K.P.Andavan, who was working as a Assistant Director in the office of the Assistant Director of Local Audit, Pollachi Municipality, Pollachi and died in harness on 09.09.2013. After his demise, the wife / mother of the petitioner, requested the 1st respondent to provide employment to the petitioner on compassionate grounds, stating the petitioner would take care of her mother, if an employment is given to her. However, by proceedings dated 11.08.2014 the 1st respondent rejected the said request, on the ground that the petitioner was married and hence, she was not eligible for compassionate appointment. Feeling aggrieved, the petitioner has preferred this writ petition for the aforesaid relief.

4. Today, when the matter was taken up for consideration, the learned Additional Government Pleader drew the attention of this Court to the affidavit filed by the first respondent in March 2021, wherein, it is specifically stated as under:

"It is submitted that in due course of time, a G.O.(MS) No.78 Labour and Employment (Q1) Department dated 21.04.2017 was issued by the Government. In para 9.2 of the said G.O it is stated as follows:

"Cases where the married daughter of deceased Government servant had applied for appointment on Compassionate grounds within three years period from the date of death of Government servant and if rejected and if any case has been filed in the Hon'ble Court or if any appeal has been pending in the Government offices, if all the consideration can be made to appoint on compassionate grounds".

It is submitted that Tmt.Priyadharshini (Petitioner) is eligible for appointment on Compassionate Grounds based on the above mentioned G.O, action is being taken to process the file to give appointment to her on compassionate grounds,

It is submitted that the individual's name is being included in the seniority list.

It is further submitted that as per seniority and based on the occurrence of vacancy, the individual may be appointed in this department on compassionate grounds in accordance with the rules in force."



5. In the light of the aforesaid averment made in the affidavit filed by the first respondent and also as per the recent GO.(Ms.)No.18, Labour and Employment (Q1) Department, which supersedes all the earlier orders issued from 1972, the married daughter is also eligible for compassionate appointment, and having regard to the admitted fact that the mother of the petitioner made application seeking compassionate appointment to the petitioner well within the limitation period of three years, this Court has no hesitation to set aside the order rejecting the claim of the petitioner seeking compassionate appointment.

6. Accordingly, the order dated 11.08.2014 impugned herein is set aside and the matter is remanded back to the respondents for fresh consideration, on merits and in accordance with the recent G.O.Ms.No.18 dated 23.01.2020. The respondents shall pass appropriate orders, with respect to the claim of the petitioner seeking compassionate appointment, within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mtl

To

1. The Director,
Directorate of Local Fund Audit,
Kuralagam IV Floor,
Chennai - 600 108.

2. The Zonal Joint Director,
Local Fund Audit,
Coimbatore.

+1cc to Mr.P.Valliappan, Advocate, S.R.No.20742
+1cc to the Government Pleader, S.R.No.20538

W.P.No.22881 of 2015

PMK(CO)
CS/14/07/2021