



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.35052 of 2016

(Through Video Conferencing)

K.Thiruvalarselvi

...Petitioner

Vs

1. The Tamil Nadu Civil Supplies Corporation,
Rep by its General Manager (Administration),
15,Thambusamy Road,
Kilpauk, Chennai - 600 010.

2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd,
Chennai North Region,
Chennai - 600 008.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records on the file of the 2nd respondent in connection with the impugned order of rejection passed by him vide his proceedings in Na.Ka.No.E8/16984/2011 dated 01.12.2012 and quash the same as illegal and arbitrary and consequently direct the respondents to consider the case of the petitioner's daughter namely, C.Keerthi for any suitable employment under compassionate ground based on the petitioner's representation dated 11.05.2016 in the light of the order passed by this Court in W.P.No.16230/2012 dated 23.04.2014.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.L.P.Shanmugasundaram

ORDER

The petitioner has filed this writ petition to quash the order dated 01.12.2012 passed by the 2nd respondent and to appoint the petitioner's daughter for any suitable post on compassionate ground based on the petitioner's representation dated 11.05.2016.



2.By the impugned order, the respondents rejected the request of the petitioner for appointing the petitioner's daughter on the compassionate ground that the petitioner's husband was working as a seasonal worker in a temporary post and was absorbed into the service of the 2nd respondent vide order dated 22.09.2010 and died before the completion of probation of two years.

3.This is the case where the petitioner's husband was employed for over a period of 480 days since 2001 and merely after a period of 10 years, the services of the petitioner's husband was regularized vide order dated 22.09.2010 bearing reference Na.Ka.No.E6/16165/2010. Unfortunately, the petitioner's husband passed away on 24.06.2011 leaving the petitioner and his daughter who was aged about 19 years.

4.Though the above submissions have been made on behalf of the respondents, the relevant regulations/guidelines have not been filed.

5.It is the case of the respondents that the petitioner's husband died within nine months from being appointed as a Bill Clerk with the 2nd respondent before completion of probation and his probation was not declared, therefore, the case of the petitioner for appointing his daughter on compassionate ground cannot be considered.

6.If there is no embargo under the aforesaid G.O., appointment should be given notwithstanding the fact that the petitioner's husband had not completed his probation. The respondents may give due weightage and consider the fact that the petitioner's husband worked since 2001 with them though on temporary basis but finding him suitable, appointed him in 2001.

7.As a matter of fact, the Government has now issued a revised comprehensive guidelines in G.O.Ms.No.18 Labour & Employment (Q1) Department, dated 23.01.2020. The respondents are therefore directed to consider the case of the petitioner for appointing her daughter in a suitable post based on the qualification of her daughter and dispose the same within a period of four weeks from the date of receipt of a copy of this order.

8.Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar



jas

To

WEB COPY

1. The General Manager (Administration),
Tamil Nadu Civil Supplies Corporation,
15, Thambusamy Road,
Kilpauk, Chennai - 600 010.
2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd,
Chennai North Region,
Chennai - 600 008.

+1cc to Mr.R.Jayaprakash, Advocate, S.R.No.41414

W.P.No.35052 of 2016

JPL[co]
NSK 08/09/2021