



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.20693 OF 2021

(THROUGH VIDEO CONFERENCING)

S.Poornima

... Petitioner

Vs

1. The General Manager,
Tamil Nadu Adhidraavidar Development Corporation,
No.31, 2nd Lane,
Sentope Road, Teynampet,
Chennai - 18.

2. The Manager,
Tamil Nadu Adhidraavidar Development Corporation,
Dharmapuri.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the claim of the petitioner for appointment on compassionate ground without insisting for legal heirship certificate of Selvaraj.

For Petitioner	: Mr.S.Conscious Ilango
For Respondents	: Mr.L.S.M.Hasan Fizal
	Government Advocate

ORDER

Mr.L.S.M.Hasan Fizal, learned Government Advocate takes notice on behalf of the respondents.

2. The petitioner is the second daughter of the deceased M.Selvaraj through his second wife S.Valli who died on 07.03.2013. Deceased M.Selvaraj working as a Junior Assistant/Record Clerk with the second respondent. After the death of the deceased M.Selvaraj, the petitioner's mother namely S.Valli sent an application to the first and second respondents with a request to appoint the petitioner on compassionate



grounds on 28.05.2013. However, the respondents have declined to consider the application on the ground that the petitioner has not furnished Legal Heir Certificate.

3. The learned counsel for the petitioner submits that in the pension papers, the petitioner's father Late M.Selvaraj had nominated the petitioner's mother along with her elder stepsister Vidya, stepsister Shanmuga Priya and stepbrother Dhinesh Kumar through the first wife Selvi of Deceased M.Selvaraj as the nominees. The learned counsel for the petitioner further submits that a suit for issuance of succession certificate is pending in O.S.No.271 of 2013 before the District Munsif Court, Dharmapuri.

4. Considering the fact that the petitioner has completed only her higher secondary education when her father died on 07.03.2013 and considering the fact that application for being appointed on compassionate ground was made as early as 28.05.2013, this writ petition is disposed by directing the respondents to consider the representation dated 14.08.2021 of the petitioner in the light of earlier representation dated 28.05.2013 of the petitioner's mother by relaxing the requirement for producing Legal Heirship Certificate. However, while considering whether the petitioner is entitled to be appointed on compassionate grounds, the respondents may issue notice to the petitioner's stepsisters and stepbrother namely Vidya, Shanmuga Priya and Dhinesh Kumar and take a final decision as to whether the petitioner is entitled for appointment on compassionate grounds.

5. In case the family is in indigent circumstances, the respondents may suitably pass appropriate decision. This exercise shall be carried out by the respondents within a period of twelve weeks from the date of receipt of a copy of this order.

6. This Writ Petition stands disposed of with the above observations. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

arb



To

1. The General Manager,
Tamil Nadu Adhidraavidar Development Corporation,
No.31, 2nd Lane,
Sentope Road, Teynampet,
Chennai - 18.
2. The Manager,
Tamil Nadu Adhidraavidar Development Corporation,
Dharmapuri.

+1cc to the Government Pleader, S.R.No.50830

W.P.No.20693 of 2021

VSNII (CO)
PM/17/11/2021