



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.20980 OF 2021

(Through Video Conferencing)

T.Elayarani

... Petitioner

Vs

1. The Government of Tamil Nadu,
Represented by its Secretary,
Environment and Forest Department,
Fort St. George,
Chennai - 600 009.

2. The Principal Chief Conservator of Forests,
Panagal Maaligai, Jeenai Road,
Saidapet, Chennai - 015.

3. The District Forest Officer,
Thirupathur,
Thirupathur District.

4. The Assistant Conservator of Forest
Protection Squad, Vellore.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to appoint the petitioner as Office Assistant or any other suitable post on compassionate appointment on humanitarian grounds by considering her application dated 13.09.2021 in the light of the G.O.Ms.No.18, Labour and Employment (Q1) Department dated 23.01.2020.

For Petitioner : Mr.S.Mani

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



ORDER

The petitioner has filed the writ petition seeking for issuance of writ of Mandamus, to direct the respondents to appoint the petitioner as Office Assistant or any other suitable post on compassionate appointment on humanitarian grounds by considering the petitioner's application dated 13.09.2021 in the light of the G.O.Ms.No.18, Labour and Employment (Q1) Department dated 23.01.2020.

2. The petitioner's father-in-law passed away on 20.11.2009. Thereafter, the petitioner's mother-in-law made a representation on 20.09.2010 for appointment of her son/petitioner's husband to be appointed on compassionate ground.

3. The fourth respondent by the impugned communication dated 21.09.2010 called upon the petitioner's mother-in-law to furnish certain details. Thereafter, another application appears to have been made. No objection was also obtained from other members of the family and submitted. When these representations/applications were pending for consideration, the petitioner's husband passed away on 03.05.2021. Under these circumstances, a fresh application was filed by the petitioner on 13.09.2021.

4. The learned counsel for the petitioner submits that the request of the petitioner may be directed to be considered in the light of the following clause in G.O.(Ms).No.18, Labour and Employment (Q1) Department dated 23.01.2020 which reads as under:-

"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."

5. The learned Government Advocate for the respondents submits that the petitioner is not a family member/Legal Heir of the deceased employee. The deceased employee is the father-in-law of the petitioner who died on 20.11.2009.

6. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.



7. The objection is highly technical as the petitioner's husband for whom the application was originally filed died without getting employed. Therefore, if the application filed originally in the name of the petitioner's husband was in time, the respondents may consider and dispose the petitioner's application favourably within a period of twelve weeks from the date of receipt of a copy of this order as the intention of the Government is only to protect the family of a deceased employee from penury and indigence.

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

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

arb

To

1. The Secretary,
Government of Tamil Nadu,
Environment and Forest Department,
Fort St. George,
Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Maaligai, Jeenis Road,
Saidapet, Chennai - 015.
3. The District Forest Officer,
Thirupathur,
Thirupathur District.
4. The Assistant Conservator of Forest
Protection Squad, Vellore.

+1cc to Mr.S.Mani, Advocate, S.R.No.50690
+1cc to the Government Pleader (Forest), S.R.No.51404

W.P.NO.20980 OF 2021

BS(CO)
PBS/28/10/2021