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Cont.P. 2160 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2021

Coram :

**THE HONOURABLE MR. JUSTICE R. MAHADEVAN**

Contempt Petition No. 2160 of 2019

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1. V. Unnamalai

2. Aswini Balasubramani

... Petitioners/ Petitioners

Both are residing at

Np.284, Anna Nagar,

Uthangarai, Krishnagiri 635 207

Versus

1. Dr. Beela Rajesh, I.A.S.,

Secretary to the Government of Tamil Nadu

Health Department

Fort St. George

Chennai - 600 009

2. Tmt. S. Malarvizhi, I.A.S.,

The District Collector

Dharmapuri District

3. K. Jagadeesh Kumar, M.B.B.S.,

The Deputy Director of Health Services

Public Health Department and Preventive Medicine

Department

Dharmapuri

.. Respondents/ Respondents

Contempt Petition filed under Section 11 of The Contempt of Courts Act,

1971 praying to punish the respondents for wilful disobedience of the order

passed by this hon'ble Court in WP No. 1306 of 2019 dated 29.01.2019.



For Petitioner : Mr. V. Raghavachari  
For Respondents : Mr. Stalin Abhimanyu  
Government Counsel

**ORDER**

This contempt petition is filed by the petitioners complaining non-compliance of the order dated 29.01.2019 passed by this Court in WP No. 1306 of 2019, by which, this Court directed the respondents to consider the application submitted by the petitioners on 15.10.2018 for appointing the second petitioner herein on compassionate grounds.

2. The learned counsel for the petitioners submitted that Balasubramani, husband of the first petitioner and father of the second petitioner died on 21.04.2017 while working as Pharmacy Assistant. On 12.02.2018 the first petitioner made an application to the respondents, seeking to appoint the second petitioner on compassionate grounds. The petitioners also submitted a representation on 15.10.2018 reiterating their request for appointment on compassionate grounds. According to petitioners, the applications have not been considered and therefore, they have filed the present writ petition in which this Court specifically directed the respondents to consider the claim of the petitioners on merits. However, till date, the second petitioner has not been given an order of appointment on compassionate grounds and therefore, the



present contempt petition is filed.

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3. Mr. Stalin Abhimanyu, learned Government Counsel submitted that pursuant to the order dated 29.01.2019 passed by this Court, the third respondent has afforded an opportunity of hearing to the petitioners on 03.06.2019. On scrutiny of the testimonials submitted by the petitioners, the third respondent concluded that the second petitioner has satisfied all the eligibility norms for appointment on compassionate grounds. The learned Government Counsel also submitted that presently, the legal heirs of the deceased Government Servants, who died during September 2007 are given appointment on compassionate grounds. The second petitioner was assigned with a Seniority Number 908 for consideration of appointment on compassionate grounds. At present, the applicants upto Serial No.617 have been provided with employment on compassionate grounds. As and when the turn of the second petitioner comes up for consideration, the second petitioner will be provided with an employment on compassionate ground in the Health Department itself. In fact, the third respondent sent a communication in R.No.3225/S3/2018 dated 12.06.2019 as well as another communication in R.No.100823/E4/2019/S3 dated 27.01.2010 stating that the request of the second petitioner for appointment on compassionate ground to the post of Junior Assistant is under active consideration and she will be appointed on the basis of her seniority and



Government Orders in force. Therefore, the learned Government Counsel submitted that the contempt petition is liable only to be dismissed as the order passed by this Court has been complied with by the respondents.

4. In the light of the above submissions made by the learned Government Counsel appearing for the respondents, this Court is of the view that the order passed by this Court has been duly complied with by the respondents. It is needless to mention that as and when the seniority of the second petitioner comes up for consideration, the respondents shall confer her an appointment to the post of Junior Assistant in the Health Department, as communicated to her on 12.06.2019 and 27.01.2020 by the third respondent.

5. In the result, the contempt petition is closed. No costs.

SD/-  
ASSISTANT REGISTRAR(COMM.CASES)

rsh

//Certified to be true copy//

Dated at Madras this the                      day of                      2021.

COURT OFFICER(O.S.)  
from 25<sup>th</sup> day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

To

1. The Secretary to the Government of Tamil Nadu  
Health Department  
Fort St. George  
Chennai - 600 009



Cont.P. 2160 of 2019

2. The District Collector  
Dharmapuri District

3. The Deputy Director of Health Services  
Public Health Department and Preventive Medicine  
Department

Dharmapuri