



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.1949 of 2021

Kalpana

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Palani Taluk,
Dindigul District.

... Respondents

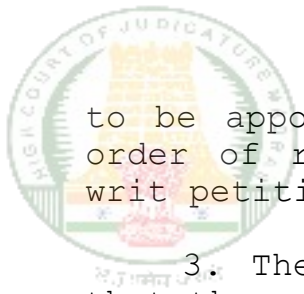
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the second respondent in his proceedings in Na.Ka.No.389/2020/A2, dated 08.01.2021 and quash the same as illegal and consequently direct the respondents to consider the petitioner's case for compassionate appointment.

For Petitioner : Mr.T.Lenin Kumar
For Respondents : Mr.P.Subbaraj
Government Advocate

ORDER

The petitioner filed this writ petition to quash the order passed by the second respondent in his proceedings in Na.Ka.No.389/2020/A2, dated 08.01.2021 and for a direction to the respondents to consider the petitioner's case for compassionate appointment.

2. According to the petitioner, her father, who was working as Village Assistant, died on 06.07.2018 while in service. The petitioner gave representation on 29.01.2020 seeking appointment on compassionate ground and the same was not considered. Hence, the petitioner filed a writ petition in W.P(MD)No.15451 of 2020 for a direction to the second respondent to consider her case. This Court, by order, dated 05.11.2020, directed the second respondent to consider the representation of the petitioner, dated 29.01.2020, within a period of eight weeks from the date of receipt of a copy of the order. The second respondent rejected the request of the petitioner on the ground that unmarried daughter alone is eligible



to be appointed under compassionate ground. Challenging the said order of rejection, the petitioner has come out with the present writ petition.

3. The learned counsel appearing for the petitioner submitted that the second respondent relied on the Government Order in G.O(Ms) No.18, Labour and Employment (Q1) Department, dated 23.01.2020, for rejecting the application of the petitioner. The second respondent failed to see that in the very same Government Order, it has been stated that even married daughter of the deceased employee, if she is otherwise eligible, is entitled for appointment on compassionate ground. The second respondent erroneously misinterpreted the Government Order and rejected the application of the petitioner and the same is illegal and arbitrary and prayed for setting aside the order of the rejection.

4. Mr.P.Subbaraj, learned Government Advocate appearing for the respondents submitted that the petitioner was married at the time of death of an employee and hence, she is not entitled for appointment on compassionate ground. At the time of death of her father, her husband was alive and she is not dependent on the deceased and hence, the second respondent rejected the application of the petitioner. There is no error in the impugned order of the second respondent and prayed for dismissal of the writ petition.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

6. From the impugned order, it is seen that the request of the petitioner was rejected by the second respondent on the ground that the petitioner does not come under the various categories of persons eligible for appointment on compassionate ground as per G.O(Ms) No.18, Labour and Employment (Q1) Department, dated 23.01.2020. A reading of the Government Order, particularly at Page-6 of Clause (iii) reveals that married daughter of the deceased employee is otherwise eligible to be considered for appointment on compassionate ground. The second respondent has not considered Page No.6 of Clause(iii) of the Government Order.

7. In view of the same, the impugned order of the second respondent in proceedings in Na.Ka.No.389/2020/A2, dated 08.01.2021, is set aside and the matter is remanded back to the second respondent to consider the request of the petitioner afresh taking into account the Page No.6, Clause(iii) of G.O(Ms) No.18, Labour and Employment (Q1) Department, dated 23.01.2020 and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.



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8. Accordingly, the writ petition is allowed. No costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Palani Taluk,
Dindigul District.

+1 CC to M/s.SPL GP (SR-19551[F] dated 17/06/2021)

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KB(24.06.2021) 3P 4C