



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2021

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THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.3179 of 2020

and

W.M.P (MD) .No.2703 of 2020

WEB COPY

S.Jeeva

... Petitioner

Vs.

1. The District Collector,
Virudhunagar,
Virudhunagar District.

2. The Block Development Officer (Village Panchayat)
Sattur,
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issue of Writ of Certiorarified Mandamus, to call for the impugned order passed by the 1st Respondent by an order vide Na.Ka.No.PP3/34481/2018 dated 26.09.2019 and quash the same and consequently direct the respondents to provide compassionate appointment to the petitioner's son namely "M.Vignesh".

For Petitioner : Mr.R.Karthic Rajan
For Respondents : Mr.A.K.Manickam,
Counsel for State

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the impugned order passed by the 1st Respondent vide in Na.Ka.No.PP3/34481/2018 dated 26.09.2019 and quash the same and consequently direct the respondents to provide compassionate appointment to the petitioner's son namely "M.Vignesh".

2. Heard the learned counsel appearing for the petitioner and the learned Counsel appearing for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. According to the petitioner, her husband was working as Deputy Block Development Officer at Sattur Panchayat Union and while



he was in service, he died on 21.12.2015 leaving behind the petitioner and his two sons. Thereafter, the petitioner made a representation on 13.12.2018 to the first respondent through the second respondent seeking to provide compassionate appointment to her second son namely Vignesh. According to the petitioner, the aforesaid representation was submitted within 3 years from the date of death of the deceased employee. According to the petitioner, she was working as Junior Assistant at Labour Department, Kovilpatti and was voluntarily retired on 30.06.2018 and she has not received any pensionary benefits. Therefore, the petitioner's family are in indigent circumstances and hence, she is eligible for compassionate appointment.

5. On perusal of the affidavit filed in support of the petition, it is an undisputed fact that the petitioner's husband was died on 21.12.2015 while he was in service. The petitioner was working as Junior Assistant at Labour Department, Kovilpatti and she had voluntarily retired from service on 30.06.2018. The first respondent has rejected the claim of the petitioner vide order dated 26.09.2019 as per the G.O.Ms.No.40, Labour and Employment Department dated 05.01.1990, which stipulates that if another member in the family of the deceased employee is already employed in Government service, it is not necessary to consider application for grant of Compassionate appointment made by another member of the family.

6. The contention of the petitioner that she voluntarily retired from service and she has not received any pensionary benefit is not the eligibility of the petitioner for compassionate appointment and the same is contrary to the scheme framed by the Government. Admittedly, on the date of the death of the petitioner's husband, i.e. on 21.12.2015 the petitioner was in service and working as Junior Assistant in Labour Department, Kovilpatti and voluntarily retired on 30.06.2018. A compassionate appointment is justified when it is granted to provide immediate support to the deceased employee. Mere death of a Government employee in his harness, it does not entitle the family to claim compassionate employment unless satisfies eligibility criteria of the scheme framed by the Government. The competent authority has to examine the financial condition of the family of the deceased employee and only if it is satisfied that the family will not be able to meet the crisis, that a job is to be offered to the eligible member of the family of the deceased employee. Taking note of the fact that already, the petitioner who is the wife of the deceased employee was in Government employment, by which, it cannot be considered that the family of the deceased employee was in indigent circumstances and in the light of the Government Order in G.O.Ms.No.40, Labour and Employment Department dated 05.01.1990, the authority has rightly rejected the claim made by the petitioner. This Court does not find any infirmity or irregularity in order to interfere with the said order, impugned in the Writ Petition.



7.In view of the above, this Court has no hesitation to dismiss writ petition and accordingly, it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Virudhunagar,
Virudhunagar District.

2.The Block Development Officer (Village Panchayat)
Sattur,
Virudhunagar District.

+1 CC to M/s.R.KARTHIC RAJAN, Advocate (SR-27090[F] dated
24/08/2021)

+1 CC to M/s.GP (SR-27316[F] dated 25/08/2021)

W.P. (MD) .No.3179 of 2020

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MGJ(06.09.2021) 3P 5C