



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.5127 of 2021
and W.M.P. (MD) No. 4116 of 2021

Kanniyammal

... Petitioner

-vs-

The Assistant Commissioner (Accounts)
Madurai Corporation,
Madurai - 625 002.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, calling for the records pertaining to the impugned order of the respondent made in Ma.Ne.27/014639/2015, dated 19.09.2020 and quash the same as illegal, consequently to direct the respondent to consider the claim for compassionate appointment.

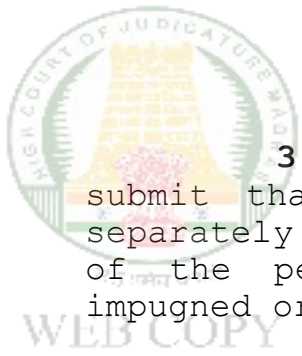
For Petitioner : Mr.N.Adithya Vijalayan

For Respondent : Mr.R.Murali,
Standing Counsel.

O R D E R

The prayer in this writ petition is for issuance of a writ of certiorarified mandamus to quash the order dated 19.09.2020, passed by the respondent and to direct the respondent to consider the claim of the petitioner for compassionate appointment.

2. The case of the petitioner is that her father was working as Sanitary Work Supervisor in the respondent Corporation and he died on 21.06.2015, while he was in service. On 30.12.2015, the petitioner's mother submitted an application seeking compassionate appointment. But, no action was taken on the said application. Thereafter, on 07.09.2020, the petitioner submitted an application seeking compassionate appointment. However, the said request was rejected on the ground that the petitioner's mother is a permanent employee under the respondent Corporation and the application was not made within the three years period. Challenging the same, the present Writ Petition has been filed.



3. The learned counsel appearing for the petitioner would submit that though the petitioner got married, she is living separately and therefore, there is no bar for considering the case of the petitioner for compassionate appointment. Hence, the impugned order is liable to be set aside.

4. The learned Standing Counsel appearing for the respondent Corporation submits that as per the Government Order in G.O.(Ms) No.18, Labour and Employment (Q1) Department, dated 23.01.2020, the time limit to prefer application for compassionate appointment is three years from the date of death of the employee. But, the petitioner herein submitted an application after a lapse of five years and hence, the respondent has rightly rejected the petitioner's application for compassionate appointment.

5. I have anxiously considered the rival submissions of the learned counsel for the parties and perused the materials placed on record.

6. Admittedly, the petitioner's mother was a permanent employee under the respondent Corporation. As per the Government Order, if any one of the legal heir of the deceased employee served in any of the Government Department and the local bodies, the other legal heirs are not entitled for claiming compassionate appointment. Further, the petitioner has submitted her application for compassionate appointment after five years. On both the grounds, the respondent has rightly rejected the claim of the petitioner. Contrary to the said provision, the petitioner has not produced any Government Orders for considering the petitioner's claim for compassionate appointment and apart from that there is no material placed before this Court to show that the petitioner is living separately and she is depending the income of the deceased employee.

7. In view of the aforesaid discussions, this Court finds no merit in this Writ Petition. Hence, this Writ Petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm



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:

The Assistant Commissioner (Accounts)
Madurai Corporation, Madurai - 625 002.

+1 CC to M/s.R. MURALI, Advocate (SR-27414[F] dated 26/08/2021)

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RK (13.09.2021) 3P 3C