



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.09.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD)No.9967 of 2021

and

W.M.P. (MD)No.7665 of 2021

WEB COPY

T.Nirmal Rajasekar

... Petitioner

vs.

The Manager (P&IR),
Divisional Office,
Life Insurance Corporation,
"Jeevan Prakash"
P.B.No.39, Gandhiji Road,
Thanjavur - 613 001.
(Respondent cause titled amended vide
Court order dated 25.08.2021)

... Respondent

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to call for the records relating to the impugned order passed by the respondent in his proceedings in Ref:P&IR / NRN, dated 06.03.2021 and quash the same and consequent direction may be issued to the respondents to provide petitioner compassionate appointment in any appropriate post within stipulated time.

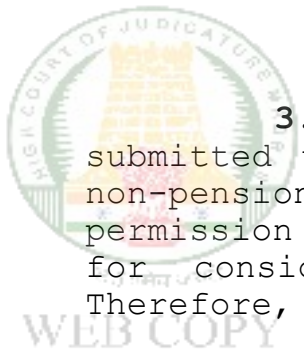
For Petitioner : Mr.T A.Ebenezer

For Respondent : Mr.D.Shanmugaraja Sethupathi

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 06.03.2021 passed by the respondent and to direct the respondents to provide compassionate appointment to the petitioner in any appropriate post.

2.The case of the petitioner is that his father was working as Administrative Officer in the Respondent and he died on 13.12.2020, due to harness, while he was in service. On 03.03.2021, the petitioner's mother submitted an application seeking compassionate appointment to the petitioner. However, the said application was rejected on the ground that the petitioner's mother is gainfully employed. Challenging the same, the present writ petition has been filed.



3.The learned counsel appearing for the petitioner submitted that the petitioner's mother is working as a Teacher in non-pensionable service in Government School and she also sought permission to retire due to her illness. Therefore, there is no bar for considering the petitioner for compassionate appointment. Therefore, the impugned order is liable to be set aside.

4.The learned Standing Counsel appearing for the respondent would submit that Clause 21 (iii) of LIC of India Recruitment [of Class III and Class IV Staff] Instructions, 1993, clearly prohibits that if any member of the family is employed, no appointment may be made on compassionate grounds. The similar issue has already been decided by the Hon'ble Supreme Court in the case of **LIC Vs. Asha Ramchandra Ambekar** reported in **1994 (2) SCC 718** and the said judgment is squarely applicable to the facts of the present case. Therefore, this Writ Petition is liable to be dismissed.

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

6.On a perusal of the records, it is seen that the petitioner's mother is working as a Teacher. As rightly contended by the learned Standing Counsel appearing for the respondent that as per Clause 21 (iii) of LIC of India Recruitment [of Class III and Class IV Staff] Instructions, 1993, the petitioner is not entitled for compassionate appointment. Therefore, the impugned order does not warrant any interference of this Court.

7.In fine, the 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.

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-27834[F] dated 01/09/2021)

W.P. (MD) No.9967 of 2021

01.09.2021