



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 09.07.2021**

**CORAM:**

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

**W.P(MD)No.10835 of 2021**

M.Radha

... Petitioner

vs.

The Deputy Director,  
District Livestock Farm,  
Pudukottai,  
Pudukottai District.

... Respondent

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondent to proceed with the petitioner's application entitling her to get an appointment on compassionate ground at the earliest in the light of her representation, dated 03.04.2021 on the file of the respondent.

For Petitioner

: Mr.R.Venkateswarn

For Respondent

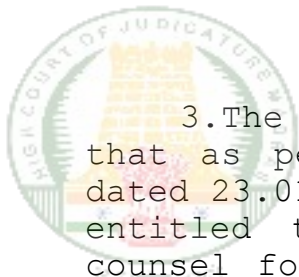
: Mr.P.Subbaraj

Government Advocate

**ORDER**

The petitioner has filed the present Writ Petition, to direct the respondent to proceed with the petitioner's application entitling her to get an appointment on compassionate ground at the earliest in the light of her representation, dated 03.04.2021.

2.According to the petitioner, her husband viz., Sundarapandian, who died on 18.07.2020 in a road accident, while working as Junior Assistant under the respondent office. The petitioner gave a representation to the respondent, seeking appointment on compassionate ground. The deceased husband of the petitioner was the only bread winner of the family. The petitioner's mother-in-law, who is aged about 60 years, is receiving family pension of the petitioner's father-in-law. The petitioner and her mother-in-law, are having some dispute with regard to the partition of the property. In view of such dispute, her mother-in-law is not giving 'No Objection Certificate'. While so, the respondent vide letter, dated 17.03.2021, directed the petitioner to produce 'No Objection Certificate' from her mother-in-law. In such circumstances, the petitioner has come out with the present Writ Petition for the above relief.



3.The learned counsel appearing for the petitioner submitted that as per G.O(Ms)No.18, Labour and Employment (Q1) Department, dated 23.01.2020, the petitioner being the spouse of the deceased is entitled to be appointed on compassionate ground. The learned counsel for the petitioner referring to page No.6 of G.O(Ms)No.18, Labour and Employment (Q1) Department, dated 23.01.2020, submitted that the petitioner being the spouse of the deceased, is entitled to get appointment on compassionate ground and prayed for a direction to the respondent to give appointment on compassionate ground without insisting for No Objection Certificate.

4.Mr.P.Subbaraj, learned Government Advocate appearing for the respondent submitted that the petitioner's mother-in-law is objecting to compassionate appointment being given to the petitioner. In such circumstances, the respondent is unable to process the application of the petitioner and issued letter to the petitioner for obtaining 'No Objection Certificate' from the petitioner's mother-in-law. Now, as per G.O(Ms)No.18, Labour and Employment (Q1) Department, dated 23.01.2020, the petitioner's representation will be considered.

5.Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for the respondent.

6.It is not in dispute that the petitioner is the wife of the deceased Sundarapandian. As per G.O(Ms)No.18, Labour and Employment (Q1) Department, dated 23.01.2020, first preference is to be given for appointment on compassionate ground to the wife or husband of the deceased. Page No.6 of the Government Order enumerates the persons, who are eligible to be considered for appointment on compassionate ground in the order of preference, which reads as follows:

*"(i) Son / Unmarried Daughter / Wife / Husband / legally adopted son/ legally Unmarried adopted daughter/ widowed daughter / divorced daughter / deserted daughter of the deceased Governemnt servant.*

*(ii) Father / Mother and unmarried brothers and unmarried sisters of the unmarried deceased Government Servants.*

*(iii) Married daughter of the deceased Government Servant who is otherwise eligible.*

*(iv) If any person, in the deceased Government Servant's family was employed even before the death of the Government Servant but was living separately without extending any help to the family, then the case of other eligible dependant will be considered.*

*(v) If any dependant/dependants of deceased Government Servant is / are employed in Military Service, one of the other dependents is eligible for appointment under compassionate ground.*



(vi) If any member of the deceased Government Servant's family is working on Temporary / Part time basis such as noon-meal organizer and helpers, and those who work on daily wages, the other dependents of the family may be considered for providing appointment."

Further, as per said Government Order, husband or wife of the deceased employee is the first choice for compassionate appointment. If they are not willing or not eligible for compassionate appointment, the other legal heirs nominated by husband or wife of the deceased employee is entitled to get appointment on compassionate ground, if otherwise eligible. The said portion of Government Order reads as follows:-

**"NOMINATION**

*Compassionate ground appointment should be given to the wife/husband of the deceased Government Servant or only to the person nominated by the wife/husband of the deceased Government Servant subject to eligibility."*

7. In the present case, the petitioner, who is the wife of the deceased, seeking appointment on compassionate ground. But the said request remains to be unconsidered for the reason that the mother-in-law of the petitioner is raising objection for giving appointment to the petitioner on compassionate ground and also refusing to give 'No Objection Certificate' due to some dispute with regard to partition of the property. However, considering the submission of the learned Government that the petitioner's representation will be considered, as per G.O(Ms)No.18, Labour and Employment (Q1) Department, dated 23.01.2020, the respondent is directed to consider the case of the petitioner for appointment on compassionate ground, in the light of G.O(Ms)No.18, Labour and Employment (Q1) Department, dated 23.01.2020, without insisting 'No Objection Certificate' and pass orders within a period of four weeks from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

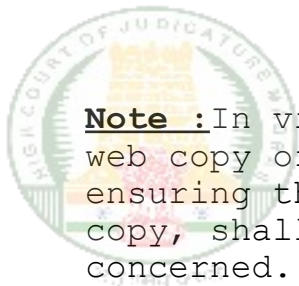
Assistant Registrar (T&P)

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/ /2021

Sub Assistant Registrar(CS)

ps



**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.

WEB COPY

To

The Deputy Director,  
District Livestock Farm,  
Pudukottai,  
Pudukottai District.

+1 CC to M/s.SPL GP ( SR-22094[F] dated 12/07/2021 )

**W.P (MD) No.10835 of 2021**  
**09.07.2021**

**CM(CO)**

LR (23.07.2021) 4P 3C