



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2021

CORAM

**THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR**

W.P. (MD) .No.10364 of 2019

K. Parameswari

... Petitioner

Vs.

1. The Vice Chancellor  
Madurai Kamaraj University,  
Palkalai Nagar,  
Madurai -21.
2. The Registrar  
Madurai Kamaraj University,  
Palkalai Nagar,  
Madurai -21.
3. The Secretary  
Department of Higher Education,  
Tamilnadu Government  
Secretariat  
Chennai.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent's order in Ref:MKU/LC/2018 dated 02.07.2018 and quash the same and direct the respondents to give compassionate appointment to the petitioner on the death of her husband G.Veerasekar on 25.01.2017 while in service as Teaching Assistant within the stipulated period by this Court.

For Petitioner : Mr. M. Mohamed Sherbudeen

For Respondents : Mr. K. Ragatheesh Kumar,  
for M/s. Isaac Chambers.

### O R D E R

The Writ Petition is filed for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent's order in Ref:MKU/LC/2018 dated 02.07.2018 and quash the same and direct the respondents to give compassionate appointment to the petitioner on the death of her husband G.Veerasekar on 25.01.2017 while in service as Teaching Assistant within the stipulated period by this Court.



2. The short facts that are necessary for disposal of this writ petition are as follows:-

(a) The petitioner's husband was working as a Guest Lecturer for more than 19 years, in one of the colleges affiliated to the Madurai Kamaraj University. The petitioner's husband died in harness in a road accident on 25.01.1997. Subsequent to her husband's death, the petitioner, a M.Phil graduate in Commerce, made an application to the respondents, vide representation dated 12.06.2017, seeking compassionate appointment. The petitioner has also stated that she has cleared the SLET examination, necessary for appointment as lecturer.

(b) The petitioner has approached this court on an earlier occasion by filing a writ petition in WP No.3890 of 2018 seeking a direction upon the respondents to consider and dispose of the petitioner's representation seeking compassionate appointment. This court, by order dated 26.03.2018, directed the second respondent to consider and dispose of the petitioner's representation. Accordingly, the second respondent passed an order dated 02.07.2018, rejecting the prayer of the petitioner on the ground that there is no scheme for offering compassionate appointment for employees who were employed on consolidated pay.

(c) Aggrieved by the said order, the petitioner has filed this writ petition.

3. The respondents 1 and 2 have filed a detailed counter-affidavit refuting the allegations made in the writ petition and stated that there is no scheme to offer compassionate appointment for the legal heirs of employees who were not employed in regular service.

4. The learned counsel for the petitioner vehemently submitted that the husband of the petitioner has served for more than 19 years and that his name was also recommended by the then principal of the college for regularisation. However, before he could be regularised, the petitioner has passed away. The learned counsel further submitted that the petitioner is fully qualified to be appointed as lecturer, and she is a postgraduate and M.Phil holder in Commerce and she has also cleared the SLET examination.

5. The standing counsel appearing for the respondent University reiterated the stand taken by the respondents in the counter-affidavit and submitted that there is no merit in the claim made by the petitioner as the petitioner's husband was not a regular



6. This court has heard both sides and perused the materials available on record.

7. The nature of service rendered by the petitioner's husband and the prevalent scheme for appointment on compassionate grounds is not in dispute. The petitioner's husband was not a regular employee of the University. He was appointed only on a consolidated pay. The respondents have clearly stated that there is no scheme for providing compassionate appointment for the legal heirs of an employee under consolidated pay. Indeed, it is seen from the counter-affidavit that the petitioner was offered the job of a guest lecturer on an hourly basis of Rs.250/- and the petitioner has accepted the said offer and worked between February, 2017 and April, 2017. Though it is true that the petitioner's husband's name was recommended for regularization, the said recommendation was not approved till date.

8. The Government has issued various orders explaining the mode and manner in which compassionate appointments are to be made. The Government Order in G.O.Ms.No.42, Labour and Employment (Q1) Department dated 12.03.2007 stipulates that only the dependants of the regular employees are eligible to claim employment on compassionate grounds. Clause 2.7 of the aforesaid Government Order is extracted hereunder:

*"2.7. Dependants of only regular Government servants who died in harness shall be given appointment of compassionate grounds. No appointment on compassionate grounds shall be given to dependants of casual or adhoc or temporary Government servants appointed under Rule 10(a)(i) of the Tamilnadu State and Subordinate Services Rules. "*

9. The Government Order has approved its earlier order vide G.O.Ms.No.18, Labour and Employment (Q1) Department dated 23.01.2020, wherein it is clearly stated that the persons who are under Temporary appointments, consolidated pay, daily wages, contract appointments and whose services are not regularised are not eligible for consideration under compassionate appointment. The petitioner's husband was not on the regular pay roll of the University or College. Therefore, on considering the Government Orders, as the petitioner has not made out any case, he is not eligible to consider for compassionate appointment and the respondents are perfectly justified in rejecting the representation made by the petitioner for compassionate appointment.

10. In view of the above, there is no force in the contention of the petitioner, consequently, this Court is not inclined to interfere with the order passed by the respondent university. Therefore, the



Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

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To

1. The Vice Chancellor  
Madurai Kamaraj University,  
Palkalai Nagar,  
Madurai -21.
2. The Registrar  
Madurai Kamaraj University,  
Palkalai Nagar,  
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3. The Secretary  
Department of Higher Education,  
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Chennai.

+1CC to ISSAC Chambers (SR.No.28109)

+1CC to Spl.Govt Pleader (SR.No.28082)

**W.P. (MD) .No.10364 of 2019**  
**02.09.2021**

MGJ/UV(01.11.2021) 4P 6C