



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED : 24.08.2021
CORAM**

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.18315 of 2020

R.Parvathavarthini

... Petitioner

Vs.

1.The State of Tamil Nadu,
represented by its Principal Secretary,
Labour and Employment Department,
Fort St.George,
Chennai-9.

2.The Secretary,
O/o.Department of Agricultural Marketing and Agri Business,
Pudukottai District,
Pudukottai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court for issuance of Writ of Certiorarified Mandamus has been filed to call for the records pertaining to the impugned order in Na.Ka.No.1051/A/2017 dated 23.10.2020 on the file of the Respondent No.2 and quash the same as illegal and consequently for a direction, directing the respondent No.2 to provide compassionate appointment to the petitioner any suitable post in any Department.

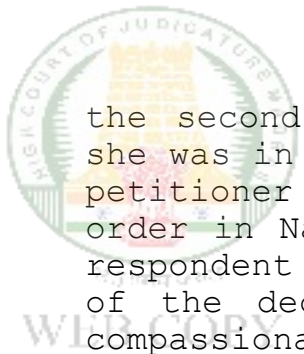
For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.S.Shanmugavel
Standing Counsel.

ORDER

This Writ Petition has been filed seeking the relief of Writ of Certiorarified Mandamus has been filed to call for the records pertaining to the impugned order in Na.Ka.No.1051/A/2017 dated 23.10.2020 on the file of the Respondent No.2 and quash the same as illegal and consequently for a direction, directing the respondent No.2 to provide compassionate appointment to the petitioner any suitable post in any Department.

2.The learned counsel for the petitioner submitted that the petitioner's mother namely G.Thilagam was working as a Supervisor in



the second respondent department and on 19.08.2009 she died while she was in service. After the death of the petitioner's mother, the petitioner submitted an application and the same was rejected vide order in Na.Ka.No.1051/A/2017 dated 23.10.2020 passed by the second respondent on the ground that the petitioner is a married daughter of the deceased employee and therefore she is not eligible for compassionate appointment. There is no male issue for the deceased employee. Therefore, according to the petitioner, as per G.O.(Ms) No.18, Labour and Employment(Q1) Department dated 23.01.2020, the petitioner is entitled for seeking appointment on compassionate grounds for the married daughter of the deceased Government employee who is otherwise eligible for the appointment. Therefore, the order impugned in this Writ Petition is liable to be set aside.

3.The learned Standing counsel for the respondent submitted that the representation of the petitioner will be considered and orders will be passed in accordance with law.

4.This Court is of the view that the Government has passed an order in G.O.(Ms)No.18, Labour and Employment(Q1) Department dated 23.01.2020. Pursuant to the Government Order, guidelines have been framed, wherein certain provisions are there, for providing employment for the married daughter of the deceased Government employee, if otherwise she is eligible for the post.

5.Therefore, the impugned order in Na.Ka.No.1051/A/2017 dated 23.10.2020 is quashed and the matter is remitted back to the file of the second respondent to consider the petitioner's representation afresh and pass appropriate orders on merits within a period of twelve(12) weeks from the date of receipt of a copy of this order.

6.This Writ Petition is allowed with the above directions. No costs.

Sd/-

Assistant Registrar (AE)

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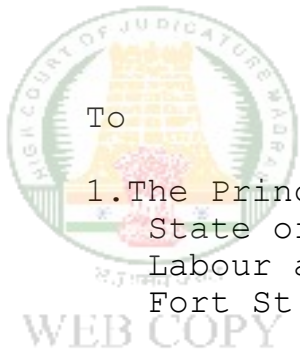
/ /2021

Sub Assistant Registrar(CS)

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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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Principal Secretary,
State of Tamil Nadu,
Labour and Employment Department,
Fort St.George, Chennai-9.

2.The Secretary,
O/o.Department of Agricultural Marketing and Agri Business,
Pudukottai District,
Pudukottai.

+1 CC to M/s.GP (SR-27209[F] dated 25/08/2021)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-27354[F]dated 26/08/2021)

**W.P (MD) No.18315 of 2020
24.08.2021**

RK (03.09.2021) 3P 5C