



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD).No.4240 of 2018

and W.M.P.(MD).No.4373 of 2018

WEB COPY

G.Arokia Selvi

... Petitioner

Vs.

1.The Chairman/Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk, Chennai - 600 010.

2.The Deputy Collector / Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Madurai Region, Madurai,
Madurai District.

3.The Superintendent,
O/o. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Madurai Region, Madurai,
Madurai District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.A.E.9/7585/2017, dated 09.06.2017 on the file of the respondent No.1 and the consequential impugned order in Na.Ka.No.E2/9280/2012, dated 12.06.2017 on the file of the respondent No.2 and quash the same as illegal and consequently to direct the respondents to provide appointment on compassionate grounds in any suitable regular post to the petitioner, within the time stipulated by this Court.

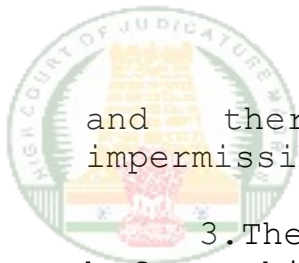
For Petitioner : Mr.S.Louis

For Respondents : Mr.P.Seetharaman

O R D E R

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

2.The petitioner herein is the widow of one D.Ganesan, who was an employee on a temporary basis under the respondent corporation and had died on 02.12.2012. The petitioner's request for compassionate appointment was rejected on the ground that her husband was only an temporary employee at the time of his death



and therefore, appointment on compassionate basis is impermissible.

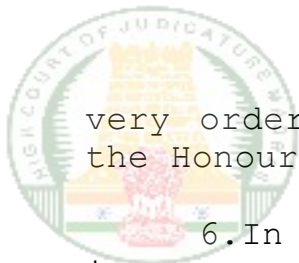
3.The petitioner herein had challenged the rejection order before this Court in W.P.(MD).No.11064 of 2015 and thereafter in the appeal in W.A.(MD).No.279 of 2017, the Hon'ble Division Bench of this Court, through its order, dated 04.04.2017, had directed the respondents herein, to consider the petitioner's case by taking a sympathetic approach in the following manner.

"However, we have considered the plight of the appellant/writ petitioner, who is an young widow with two minor children and she is in indigent circumstances and therefore, this is a fit case, where the respondents should be directed to consider the candidature of the appellant for being appointed in some class IV Post, falling within the jurisdiction of the first respondent.

Accordingly, while dismissing the Writ Appeal, we direct the appellant to submit her representation along with a copy of this Judgment, for appointment in any class IV Post and if any such reported 2006 is submitted by the appellant/Writ petitioner, the first respondent is directed to consider the same in a sympathetic manner, taking note of the fact that the appellant is an young widow in indigent circumstances, with two minor children. The representation shall be considered within a period of four weeks from the date of receipt of the same. No costs."

4.In this background, when the petitioner had made a representation to the respondents seeking for compassionate appointment on sympathetic grounds, the impugned orders dated 19.06.2017 and 12.06.2017 came to be passed by the respondents herein, by assigning the same reasons which was originally adduced, that the petitioner's husband was only a temporary employee and therefore, she is not entitled for compassionate appointment.

5.It is needless to point out that the subsequent representation was made by the petitioner, pursuant to the directions of the Honourable Division Bench of this Court, which had specifically directed the respondents to take a sympathetic view and consider the petitioner's request. On the contrary, the respondent corporation had chosen to cite the very same reason assigned in their original order of rejection, dated 14.01.2015, which was put to challenge in the subsequent proceedings and ultimately the order in the writ appeal came to be passed the



very order of rejection is contrary to the directions issued by the Honourable Division Bench and therefore, cannot be sustained.

6. In the light of the above observations, the impugned order in Na.Ka.A.E.9/7585/2017, dated 09.06.2017 on the file of the respondent No.1 and the consequential impugned order in Na.Ka.No.E2/9280/2012, dated 12.06.2017 on the file of the respondent No.2 are hereby set aside and matter is remanded back to the respondents herein. The respondent shall consider the representation given by the petitioner within a period of twelve weeks, in the light of the orders passed by the Honourable Division Bench in the writ appeal.

7. This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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

1. The Chairman/Managing Director,
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O/o. The Regional Manager,
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+1 CC to MR.P.SEETHARAMAN, Advocate (SR-9732[F] dated
09/03/2021)

W.P. (MD) .No.4240 of 2018
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KM (24.03.2021) 4P 5C