



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

**W.P. (MD)No.20166 of 2015**

M.Selvi

... Petitioner

versus

1. The District Collector,  
Madurai District, Madurai - 625 020.

2. The Director of Forensic Science Department,  
"Forensic House"  
30A, Kamarajar Salai, Mylapore, Chennai - 600 004.

3. The Assistant Director,  
Ex-Service Men's Welfare, Near Railway Station West Entry,  
Madurai - 625 016.

... Respondents

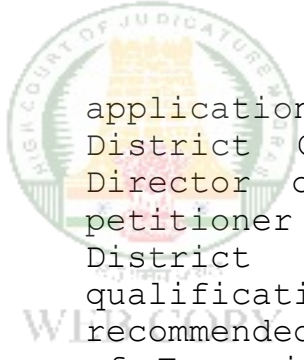
Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of Certiorarified Mandamus, to call for the records of the second respondent, i.e. the Director of Forensic Science Department, Chennai, relating to letter Na.Ka.No.A4/36060/2015 dated 19.10.2015 and quash the same and consequently, direct the first and second respondents to take immediate action for appointing the petitioner on compassionate grounds as per the guidelines issued by the Government in G.O.Ms.No.23 Labour and Employment Department dated 10.02.1993, G.O.Ms.No.81, Labour and Employment Department, dated 19.07.2006, G.O.Ms.No.154, P&AR Department dated 19.09.2006 & G.O.Ms.No.216 Labour and Welfare Department, dated 15.11.2007 within a specified time framed by this Court.

|                 |   |                                                     |
|-----------------|---|-----------------------------------------------------|
| For Petitioner  | : | Mr.S.Visvalingam                                    |
| For Respondents | : | Mr.M.Muthugeethaiyan,<br>Special Government Pleader |

### **ORDER**

This writ petition has been filed by the petitioner, seeking a direction to the respondents to appoint her on compassionate grounds within a time frame to be fixed by this Court.

2. The case of the petitioner is that the petitioner's husband M.Muthu Gandhi, while serving as Naik in Indian Army at Ranikhet, Utharanjal, died on 05.09.2005. Immediately thereafter, the petitioner made an application for compassionate appointment and the same was forwarded by the Assistant Director, Ex-Servicemen's Welfare Office, Madurai, vide a letter dated 29.08.2006 to the Additional Director, Office of the Forensic Science Department, Chennai. The Director of Forensic Science Department, Chennai, vide a letter, dated 31.05.2013, informed the petitioner that her



application seeking compassionate appointment was forwarded to the District Collector, Madurai. Despite several reminders, the Director of Forensic Science Department, Chennai, informed the petitioner that her application was under consideration of the District Collector, Madurai. Considering the educational qualification of the petitioner, the petitioner's name was recommended for the post of Lab Assistant. While so, the Director of Forensic Science Department, Chennai, by its proceedings dated 19.10.2015, informed the petitioner that since the post of Lab Assistant, which was filled up through Employment Exchange, is now coming under the purview of the Tamil Nadu Public Service Commission, as per G.O.Ms.No.698, dated 07.10.2015, she cannot be appointed as Lab Assistant. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submitted that the petitioner acquired the qualification of Diploma in Teacher Education in the year 2011. Since the petitioner suffers from poverty, she seeks appointment in any one of the posts on compassionate grounds. Therefore, the petitioner may be appointed in any one of the posts.

4. The learned Special Government Pleader appearing for the respondents submitted that the petitioner's application was not rejected, but, the same was returned to the District Collector, Madurai. Therefore, the District Collector, Madurai, be directed to consider the petitioner's application for compassionate appointment in terms of G.O.Ms.No.18 dated 23.01.2020.

5. Considering the educational qualification of the petitioner and also considering the fact that the petitioner seeks appointment in any one of the posts, this Court directs the District Collector to consider the petitioner's application for compassionate appointment in terms of G.O.Ms.No.18, dated 23.01.2020 and pass appropriate orders, within a period of 12 weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs.

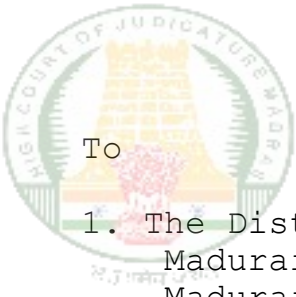
Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

1. The District Collector,  
Madurai District,  
Madurai - 625 020.

2. The Director of Forensic Science Department,  
"Forensic House"  
30A, Kamarajar Salai,  
Mylapore,  
Chennai - 600 004.

3. The Assistant Director,  
Ex-Service Men's Welfare,  
Near Railway Station West Entry,  
Madurai - 625 016.

+1 CC to M/s.S.VISVALINGAM, Advocate ( SR-1705[F] dated 21/01/2021 )

+1 CC to M/s.GP ( SR-1863[F] dated 22/01/2021 )

**W.P. (MD) No.20166 of 2015**  
**21.01.2021**

(VR) CO  
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