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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. [MD]No.905 of 2018

R.Vijayarani

... Appellant / Writ Petitioner

Vs.

1.The General Manager (Administration)
Office of the Managing Director,
Head Office,
Tamil Nadu Civil Supplies Corporation,
Chennai - 10.

2.The Senior Regional manager (in charge)
Tamil Nadu Civil Supplies Corporation,
Sachidanandam Moopnar Road,
Thanjavur.

... Respondents / Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 14.02.2018 in W.P.(MD)No.9498 of 2012 on the file of this Court.

Prayer in WP(MD). 9498/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, by calling for the records from the second respondent in respect of the proceedings in Na.Ka.No.C3/18565/10 dated 08.07.2011 and quash the same and consequentially directing the respondents to appoint the petitioner in any category, taking into account her educational qualification on compassionate ground.

For Appellant : Mr.V.Karthikeyan

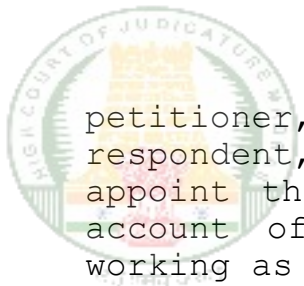
For Respondents : Mr.P.Seetharaman

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

We have heard Mr.V.Karthikeyan, learned counsel appearing for the appellant/writ petitioner and Mr.P.Seetharaman, learned Counsel appearing for the respondents.

2.This writ appeal is directed against the order dated 14.02.2018, passed in W.P(MD) No. 9498 of 2012, filed by the writ
<https://hcservices.ecourts.gov.in/hcservices/>



petitioner, praying for quashing the proceedings of the second respondent, dated 08.07.2011, and for a consequential direction to appoint the appellant/writ petitioner on compassionate ground, on account of demise of her husband namely, S.Rajaguru, who was working as a Helper.

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3. Admittedly, the appellant's husband was only a seasonal worker and though his service appears to have been recommended for regularization, no order of regularization has been passed and the appellant's husband died. The scheme notified by the respondent Corporation for granting appointment on Compassionate ground does not cover such category of cases. Therefore, the request of the appellant was rightly rejected and rightly confirmed by the learned writ Court.

4. However, after hearing Mr.V.Karthikeyan learned counsel for the appellant / writ petitioner, we find that the family of the appellant is undergoing tough times. The appellant's husband died, leaving behind the appellant and two minor daughters as his legal heirs. It appears that the elder daughter is married and she also lost her husband and she is a widow with a small baby. The second daughter appears to be pursuing her college education.

5. In these circumstances, this Court would recommend to the respondent Corporation to consider the case of the appellant, especially, the present family circumstances and if feasible to offer contract employment either to the appellant or to anyone of her daughter. This observation may be taken as a direction, however, not to be treated as a precedent.

6. The appellant is directed to give a representation to the said effect within a period of two weeks from the date of receipt of a copy of this judgment and the respondent Corporation shall consider the same within a period of two months from the date of receipt of the representation.

7. Thus, while confirming the order passed by the learned Single Judge, we dispose of the writ appeal, with the above observation / direction. No costs.

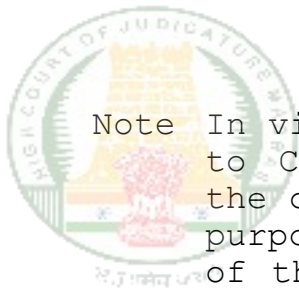
Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar(CS)



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 General Manager (Administration)
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Tamil Nadu Civil Supplies Corporation,
Chennai - 10.

2.The Senior Regional manager (in charge)
Tamil Nadu Civil Supplies Corporation,
Sachidanandam Moopanar Road,
Thanjavur

+1 CC to M/s.V.PERUMAL, Advocate (SR-19399[F] dated 16/06/2021)

W.A.[MD]No.905 of 2018
15.06.2021

KB(23.06.2021) 3P 4C