



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2021

CORAM

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

W.P. (MD) No.7399 of 2017

and W.M.P. (MD) No.5797 of 2017

WEB COPY

A.Vanitha

... Petitioner

Vs

1.The Managing Director,
Tamil Nadu Minerals Limited,
(A Government of Tamil Nadu Undertaking)
Chepauk, Chennai 600 005.

2.The Works Manager,
Tamil Nadu Minerals Limited,
(A Government of Tamil Nadu Undertaking)
No.14, Shopping Complex, Marudhupandiyar Nagar,
Sivagangai 630 561. ... Respondents

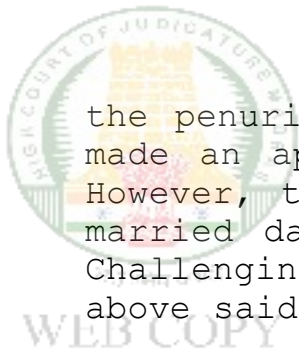
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the first respondent in proceedings Na.Ka.No.748/IR2/2015-1, dated 09.10.2015 quash the same and consequently direct the respondents herein to appoint the petitioner under compassionate appointment in any suitable post on merits and in accordance with law without any further delay.

For Petitioner : Mr.V.S.Kumaraguru
For Respondents : Mr.D.Muruganantham
Additional Government Pleader

ORDER

The Writ Petition has been filed to quash the impugned order passed by the first respondent, dated 09.10.2015 in proceedings Na.Ka.No.748/IR2/2015-1 and consequently, to direct the respondents herein to appoint the petitioner under compassionate appointment in any suitable post on merit and in accordance with law without any further delay.

2.The case of the petitioner is that the petitioner's father worked as a Driver in the Government Department-pre deceased and her brother is also pre-deceased. Thereafter, the petitioner's mother also died on 13.10.2014, while she was in employed under the second respondent on 13.10.2014, died in harness leaving behind the petitioner, who is the sole legal heir. The petitioner further, averred that she has completed B.Com., along with DCS (Tally) and PG Course in MBA. Before the death of her mother, the petitioner got married and living with her husband. Considering



the penurious circumstances faced by the petitioner's family, she made an application on 15.12.2014 for compassionate appointment. However, the said application was rejected on the ground that the married daughter was not entitled for compassionate appointment. Challenging the same, the present writ petition is filed with the above said prayer.

3.The learned counsel for the petitioner would submit that as per G.O.Ms.No.165, Labour and Employment (Q2) Department, dated 30.08.2010, which was subsequently superseded by G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020, the married daughter of the deceased Government Servant is eligible for getting compassionate appointment, if she is otherwise eligible. In the present case, the petitioner is a married daughter and she is eligible for compassionate appointment due to the death of her mother. Accordingly, she prayed for allowing this petition.

4.Per contra, the learned Additional Government Pleader for the respondents would submit that as per the said Government Order, the married daughter of the deceased Government Servant, who is otherwise eligible, unless she satisfies other provisions of the schemes that the married daughter must be the deserted woman and she is depending on the deceased Government Servant, she is not eligible for compassionate appointment. In the present case, the petitioner has not established her harness before the authority and she is not a dependent of the deceased Government Servant and she got married and living happily with her husband. Hence, the petitioner is not entitled for compassionate appointment.

5.Heard the learned counsel for the petitioner, the learned Additional Government Pleader and perused the materials available on record.

6.Considering the facts and circumstances of the case, the law is well settled for the purpose of providing employment on compassionate basis is to mitigate the hardship of the family which has arisen due to the death of the employee and such appointment therefore has to be provided immediately to ensure that the family to get tide over the sudden crisis which has arisen due to the death of the employees. The dependent of a deceased employee cannot be permitted to convert a tragedy into a bonanza. If the compassionate appointment is treated as one more source of recruitment, then it will be violative of Article 16 of the Constitution of India. It is settled by various decisions of the Hon'ble Supreme Court of India and this Court. The appointment on compassionate ground basis is a concession given by the employer to help the family of the deceased, who has died in



harness to get over the immediate financial crisis. The scheme under which compassionate appointment can be given has to be construed strictly.

7. In the present case, the petitioner already got married before the death of her mother. The petitioner's father and her brother is also pre-deceased. The marriage of the petitioner which is solemnized before the death of the deceased Government Servant cannot be construed and the petitioner otherwise eligible as per the above said Government Order. Hence, the claim of the petitioner is not genuine and this Court finds that there is no reason to interfere with the order impugned in the writ petition.

8. For the reasons stated above, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

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 Managing Director, Tamil Nadu Minerals Limited,
(A Government of Tamil Nadu Undertaking)
Chepauk, Chennai 600 005.

2. The Works Manager, Tamil Nadu Minerals Limited,
(A Government of Tamil Nadu Undertaking)
No.14, Shopping Complex,
Marudhupandiyar Nagar, Sivagangai 630 561.

+1 CC to M/s.GP (SR-1368[F] dated 20/01/2021)

+1 CC to M/s.V.S.KUMARAGURU, Advocate SR-1436[F] dated 20/01/2021

W.P. (MD) No.7399 of 2017
19.01.2021

VR(CO)

TR(02.03.2021) 3P 5C