



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.25507 of 2018

and

W.M.P(MD)No.23097 of 2018

WEB COPY

A.Chandramathi

... Petitioner

Vs.

1.The Director General of Police,
Office of Director General of Police,
Chennai - 600 004.

2.The Superintendent of Police,
Railways, T.N.Police Special Unit,
Crawford, Trichy.

3.The Superintendent of Police,
Trichy District, Trichy.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the third respondent in Na.Ka.B3/21605/18 dated 04.09.2018 and to quash the same as illegal and consequently directing the third respondent to appoint the petitioner as Junior Assistant on compassionate appointment in the Police Department in the light of G.O.Ms.No.78, Labour and Employment (Q1) Department, dated 21.04.2017 within a time limit.

For Petitioner : Mr.M.Siddharthan

For Respondents : Mr.A.K.Manickam,
Standing Counsel for State.

ORDER

The prayer in this writ petition is for issuance of a writ of certiorarified mandamus to quash the order dated 04.09.2018, passed by the third respondent and to direct the respondents to consider the case of the petitioner for appointment on compassionate grounds.

2. The case of the petitioner is that her father was working as Grade-I Police Constable and he died on 21.11.1994, while he was in service. After his demise, the petitioner made an application seeking compassionate appointment. The petitioner was received a communication from the respondents on 11.03.2003, stating that her



claim for compassionate appointment cannot be considered on the ground that the petitioner was married. Thereafter, by relying the Government Order in G.O.Ms.No.78, Labour and Empliment (Q1) Department, dated 21.04.2017, in which it is stated that the application for compassionate appointment by the married daughters will be considered, the petitioner has made several representations. However, the same was rejected. Hence, the petitioner has filed a Writ Petition in W.P.(MD)No.9888 of 2016 before this Court and this Court, by order dated 27.04.2018, directed the respondents to consider the representations of the petitioner. However, by the impugned order dated 04.09.2018, the request of the petitioner was rejected on the ground that the petitioner's husband is working in the Government Office. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submitted that the petitioner's mother, who was the dependent of the petitioner's father, is not in a position to maintain herself for her livelihood. Therefore, being the daughter of the deceased employee, the petitioner is taking care of her mother and therefore, he is eligible to consider for compassionate appointment. Hence, the impugned order passed by the third respondent is unsustainable and the same is liable to be quashed.

4. Per contra, the learned Standing Counsel for the Government appearing for the respondents would object that the said benefit will only apply to the family members of the deceased employee, who died due to harness and at this stage, the family members needs a finance support of the sole breadwinner of the deceased employee. But, the petitioner is a married daughter and her husband is working in the Government Department and she is depending the income of her husband. Hence, the third respondent has rightly rejected the claim of the petitioner.

5. I have anxiously considered the rival submissions of the learned counsel for the parties and perused the materials placed on record.

6. Originally, the petitioner filed an application for compassionate appointment and the said application was rejected by the respondents authority on 11.01.2002. Again the petitioner made an application to the respondents to reconsider her case, based on G.O.Ms.No.78, Labour and Empliment (Q1) Department, dated 21.04.2017. This Court accepting the contention of the learned Standing Counsel for Government appearing for the respondents that the petitioner's husband is working in the Government Office and she is depending the income of her husband. Further, no materials have been placed before this Court that the Petitioner is depending on the income of the deceased employee. Therefore, this Court has not accepted the contention of the petitioner. Hence, the impugned



order passed by the third respondent does not warrant any interference of this Court.

7. In fine, the writ petition fails and it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

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 Director General of Police,
Office of Director General of Police,
Chennai - 600 004.

2.The Superintendent of Police,
Railways, T.N.Police Special Unit,
Crawford, Trichy.

3.The Superintendent of Police,
Trichy District, Trichy.

+1 CC to M/s.GP (SR-25877[F] dated 11/08/2021)

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RK (23.08.2021) 3P 5C