



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2021

CORAM

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

W.P.(MD)No.21735 of 2017

R.Punuguraj

: Petitioner

Vs.

1.The District Collector,
Virudhunagar District, Virudhunagar.

2.The District Project Officer,
Office of the District Project,
Integrated Child Development Project Scheme,
Virudhunagar District, Virudhunagar.

3.The Child Development Project Officer,
Integrated Child Development Project Scheme,
Sivakasi, Virudhunagar District.

: Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records of the second respondent in his proceedings in Na.Ka.No.796/A1/2016, dated 26.07.2017 and quash the same as illegal, arbitrary and violation of principles of law and further direct the respondents herein to provide employment to the petitioner under compassionate ground within the stipulated period as may be fixed by this Court.

For Petitioner
For Respondents

:Mr.G.Marimuthu
:Mr.C.M.Marichellaiah Prabhu
Additional Government Pleader

ORDER

It is the case of the petitioner that the petitioner's mother, R.Subathira, was working as Anganwadi Worker in the Kuppanapuram Anganwadi Centre, Sivakasi, Virudhunagar District. While she was in service, on 19.03.2012, she died harness leaving behind her husband, the petitioner and her two daughters, by name, R.Rajeshwari and R.Kalaivani, as her legal heirs. At the time of death of the petitioner's mother, the petitioner's father was aged about 74 years and the petitioner's educational qualification is 12th standard and has completed Diploma in Co-operation.

2.After the death of the petitioner's mother, the petitioner made representation 14.05.2012 to the District Collector, Virudhunagar, for providing employment to the petitioner on compassionate ground. The said application was filed within the prescribed period of three years. However, no action was taken on



the application of the petitioner and in the meanwhile, the petitioner has also completed his B.A. Degree. Thereafter, the petitioner has repeatedly sent representations to the respondents along with necessary particulars. However, surprisingly, the petitioner's application was rejected by the second respondent vide impugned order, dated 26.07.2017 on the ground that the female heir of the deceased employee alone is eligible to get appointment of Anganwadi Worker on compassionate ground and no male heir is entitled for the same. In the impugned order, it is further stated that if any relaxation is required to provide employment to the male member of the deceased family, the department has to send proposal and obtain necessary orders from the Government. Challenging the same, the present Writ Petition is filed.

3.The learned Counsel for the petitioner would submit that admittedly, the petitioner have two sisters and both sisters gave no objection for providing employment to the petitioner on compassionate ground. The learned Counsel for the petitioner would further submit that G.O.Ms.No.78, Social Welfare and Noon-Meal Department, dated 25.10.2016, is silence with regard to the No Objection given by the female heir of the deceased employee to grant employment to the male member of the deceased Government employee on compassionate ground, and hence, legal interference is required in this case and he prays for allowing this Writ Petition.

4.The learned Additional Government Pleader would submit that in the case on hand, as per the scheme, no male legal heir is entitled to get appointment for the post of Anganwadi Worker on compassionate ground, without getting relaxation from the Government. He would further submit that, as per scheme, when there is no female heir is available, then the male heir is eligible after getting relaxation from the Government. He would also submit that the petitioner have two sisters and that the petitioner is not entitled as prayed for. He would submit that since the issue involved in this Writ Petition is a policy decision of the Government, this Court cannot interfere with the same. Hence, he prays for dismissal of this Writ Petition.

5.Considering the facts and circumstances of the case, as per the existing policy of Government in G.O.Ms.No.78, dated 25.10.2016, and as per the scheme, when the person, who employed in the Integrated Child Development Project Scheme, died in harness, the female heir alone is entitled for getting compassionate appointment. When the female heir is not available, the male heir is entitled only after getting relaxation from the Government. The scheme itself makes it clear the female heir alone is entitled for compassionate appointment. In the present case, two female heirs are available in the petitioner's family and hence, the petitioner is not entitled for any concession. Even if the female heirs have given no objection to the male heir for getting employment to him on



compassionate ground, it will not binding on the authorities and is contrary to the policy decision of the Government.

6.In view of the above, I am unable to find any merit in this Writ Petition. Accordingly, this Writ Petition is dismissed. No costs.

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Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

- 1.The District Collector,
Virudhunagar District, Virudhunagar.
- 2.The District Project Officer,
Office of the District Project,
Integrated Child Development Project Scheme,
Virudhunagar District, Virudhunagar.
- 3.The Child Development Project Officer,
Integrated Child Development Project Scheme,
Sivakasi, Virudhunagar District.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-1525[F] dated 21/01/2021)

+1 CC to M/s.SPL GP (SR-1628[F] dated 21/01/2021)

W.P. (MD)No.21735 of 2017
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SE (CO)

KB(08.02.2021) 3P 6C