



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.1558 of 2022

Revathi

.. Petitioner

vs

1. The Principal Judge,
Labour Court,
Chennai.

2. The Tahsildar,
Amanjikarai Taluk,
Chennai District.

3. Malar

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the second respondent to issue integrated without insisting No Objection Certificate from the third respondent and consequently, direct the first respondent to provide job assistance on compassionate ground within time fixed by this Court and to settle the death benefits.

For the Petitioner : Mr. B.Manoharan

For the Respondent 1 : Mr.Karthik Ranganathan

For the Respondent 2 : Mr. P.Muthukumar,
Government Pleader

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

The writ petition has been filed to seek a direction on the respondents for consideration of the application for compassionate appointment without insisting for integrated



certificate. The other prayer is for settlement of the death benefits to the deceased husband of the petitioner who died while in service.

2. Learned counsel for the petitioner submits that in the absence of the no objection certificate from her mother-in-law/third respondent, the application for compassionate appointment was not processed by the respondents. The mother-in-law is refusing to give the no objection certificate, though she would not be the legal heir entitled to seek compassionate appointment, and otherwise no other surviving legal heir exists other than the petitioner per se.

3. Learned counsel for the first respondent has opposed the writ petition. However, it was submitted that if no other legal heir exists other than the wife herself, being the applicant, the matter would be considered as per the provisions of law for grant of compassionate appointment. The no objection certificate of the mother-in-law is not required for grant of compassionate appointment.

4. At this stage, learned counsel for the petitioner submits that he is not pressing the prayer for settlement of the death benefits in the present writ petition, rather would espouse that cause separately. The prayer is to direct the first respondent to consider the representation for grant of compassionate appointment.

5. We have considered the rival submissions and perused the records.

6. A perusal of the records shows that after submission of the application for compassionate appointment by the petitioner, consideration could not be made in the absence of integrated certificate. It is, however, clarified by learned counsel for the first respondent that no objection certificate of the mother-in-law is not required, but if any other legal heir exists, no objection certificate is required to be submitted. Since the Tahsildar, Ambattur Taluk has certified about only two surviving legal heirs of the deceased employee out of which the petitioner/wife is the applicant and the other is her mother-in-law, the requirement of submission of no objection certificate of legal heirs would not remain on the facts of the case. It is for the reason that the wife of the deceased employee herself being the applicant for compassionate appointment.

7. Accordingly, we direct the first respondent to consider the application for compassionate appointment in accordance with the Rules within a period of three months from the date of receipt of a copy of this order. The petitioner would however



comply with other formalities which may even be to produce the nativity certificate to prove the native place and for that purpose, the jurisdictional Tahsildar is directed to issue necessary certificate, if the petitioner is eligible for the same.

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8. The writ petition is disposed of with the above observations. There will be no order as to costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

vjt

To:

1. The Principal Judge,
Labour Court,
Chennai.
2. The Tahsildar,
Amanjikarai Taluk,
Chennai District.

W.P.No.1558 of 2022

NRJK (CO)
SU (09/02/2022)