



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.5416 of 2022
and
W.M.P.No.5506 of 2022

G.Amutha

... Petitioner

vs.

1. The State of Tamil Nadu,
rep. by the Secretary to Govt.,
Public Health and Family Welfare Department,
Secretariat,
Chennai-9.

2. The Director,
Medical and Rural Health Services,
Chennai 600 006.

3. The Director of Medical Education,
Kilpauk, Chennai 600 010.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order made in Na.Ka.No.40050/SEBI 1/2/ 2015 dated 01.12.2017 passed by the second respondent, quash the same and consequently direct the respondents to appoint the petitioner on compassionate ground in the place of the death of her husband late Iyappan by considering her applications dated 06.06.2015 and 21.09.2015 and pass orders.

For Petitioner : Mr.N.Manoharan

For Respondents: Mr.P.Balathandayutham,
Special Government Pleader

O R D E R

This writ petition has been filed seeking to issue a Writ of Certiorarified Mandamus, to quash the impugned order dated 01.12.2017 passed by the second respondent, and consequently direct the respondents to appoint the petitioner on compassionate ground in the place of the death of her husband



late Iyappan by considering her applications dated 06.06.2015 and 21.09.2015 and pass orders.

2. Mr.P.Balathandayutham, learned Special Government Pleader takes notice for the respondents. By consent of both the counsels, this court passed final order in the writ petition, at the admission stage itself.

3. The case of the petitioner in brief:
The petitioner's husband namely T.Ayyappan was appointed as a Staff Nurse on contract basis by the third respondent and he joined duty on 25.05.2011 and he was posted to Institute of Mental Health, Chennai. Thereafter, he was transferred to Kanyakumari District. On 03.03.2015, while he was working in the Government Hospital, Colachel, Kanyakumari District, he met with a road accident and succumbed to the injuries on 04.03.2015. Thereafter, the petitioner sent several representations to the respondents seeking appointment on compassionate ground. The second respondent vide order dated 01.12.2017, rejecting the application stating that no compassionate appointment will be given the legal heirs of a deceased, who worked on contract basis. Hence this petition.

4. The learned Special Government Pleader submitted that, the husband of the petitioner was working as Staff Nurse and he was appointed on contract basis and consolidated payment was paid to him as salary. Therefore, no appointment would be given under compassionate ground to the legal heirs of the deceased.

5. It is pertinent to note that in G.O.Ms.No.18 dated 23.01.2020, the persons, whose legal heirs are not eligible for consideration under compassionate ground appointment is clearly stated as extracted hereunder.

5. PERSONS WHOSE LEGAL HEIRS ARE NOT ELIGIBLE FOR
CONSIDERATION UNDER COMPASSIONATE GROUND
APPOINTMENT

(i)

(ii) Persons who are under temporary appointments, consolidated pay, daily wages, contract appointments and whose services are not regularised.

(iii) Persons who do not come under regular time scale of pay.

6. Therefore, in the light of the above provisions of the Government Order, the petitioner is not entitled to seek employment for his son under compassionate ground, since her husband was working on contract basis, and the third respondent



had not observed him under regular time scale of pay. Hence, this court is of the view that there is no merits to allow the writ petition.

7. Accordingly, this writ petition is dismissed. No costs. Consequently, connected writ miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Secretary to Govt.,
The State of Tamil Nadu,
Public Health and Family Welfare Department,
Secretariat, Chennai-9.
2. The Director,
Medical and Rural Health Services,
Chennai 600 006.
3. The Director of Medical Education,
Kilpauk, Chennai 600 010.

+lcc to Mr.N.Manoharan, Advocate, S.R.No.16440
+lcc to the Government Pleader, S.R.No.17036

W.P.No.5416 of 2022 and
WMP No.5506 of 2022

PMK (CO)
CT 23/03/2022