



WEB COPY

W.P.No. 11506 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No. 11506 of 2019

K. Devika

... Petitioner

Vs

1. The Principal Secretary,
Government of Tamil Nadu,
Rural Development and
Panchayat Raj Department,
Fort St. George,
Chennai – 600009.
2. The District Collector,
O/o. The District Collector (Development Cell),
Collectorate Road,
Namakkal – 637001.
3. The Tahsildar,
O/o. The Tahsildar,
Paramathi Velur- 638182,
Namakkal District.
4. The Commissioner/Block
Development Officer,
Block Development Office,
Kapilarmalai Block,
Namakkal District.
5. Mrs. P. Chellammal

... Respondents



Prayer : Writ Petitions filed Under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 28.12.2018 sent to him to issue the consolidated certificate in her name and consider her application for appointing her in any post in the Panchayat Union on compassionate grounds without insisting for no objection letter from the fifth respondent.

For Petitioner : Mr. S.D.S. Phillip

For Respondents : M/s E. Inthumathi
Government Advocate

ORDER

The relief sought for in the present writ petition is to direct the second respondent to consider the representation submitted by the writ petitioner on 28.12.2018, to provide appointment on compassionate ground.

2. The husband of the writ petitioner late K.P. Paneerselvam was employed as a Office Assistant in Kabilarmalai Panchayat Union. Since the husband of the writ petitioner died on 19.11.2017, while was in service, the petitioner submitted an application seeking appointment on compassionate grounds. However, it was not considered on the ground that the mother-in-law of the petitioner raised an objection on the ground that the son of the



petitioner, who is now under the custody of the parental grandparents, is also eligible for appointment on compassionate grounds.

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3. The learned Government Advocate appearing on behalf of the respondents made a submission that the son of the deceased employee as well as the petitioner, who is the wife of the deceased employee are claiming appointment by filing separate applications. Under those circumstances, the authorities were not in a position to consider the claim in accordance with the Scheme of compassionate appointment.

4. In this regard, the Tahsildar filed a counter stating that the objection raised on behalf of the son of the deceased employee is also on file and for the purpose of considering the case of the writ petitioner, the legal heirs have to give consent and in the absence of consent, the authorities may not be in a position to consider.

5. This being the dispute now prevailing within the family, the petitioner is at liberty to resolve the family dispute and thereafter approach the competent authorities for considering her case. The authorities have to verify the eligibility of the applicant and accordingly take a decision strictly



in accordance with the terms and conditions stipulated under the Scheme of compassionate appointment. The writ petition stands disposed of. No costs.

18.11.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order

To

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S.M.SUBRAMANIAM, J.

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