



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.95 of 2022

M.Kasthuri

... Petitioner

Vs.

1 The Director
Directorate of Town Panchayat,
Kuralagam Buildings, Chennai-600108.

2 The Executive Officer
Town Panchayat, Ilanji,
Thenkasi District- 627 805.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to consider the candidature of the petitioner and offer suitable employment under the 2nd respondent under scheme for Appointment on Compassionate grounds owing to the demise of her husband based on her application dated 16.04.2020 followed by reminders.

For Petitioner	:	Mr.S.Kadarkarai
For Respondents	:	Mr.A.K.Manikkam, Special Government Pleader

O R D E R

The relief sought for in the present writ petition is to consider the candidature of the petitioner for appointment on compassionate ground.

2. The husband of the writ petitioner was employed under the second respondent and died in harness on 21.08.2017. The petitioner submitted an application seeking appointment on compassionate ground. The said application has not been considered by the respondents. Thus, the petitioner is constrained to move the present writ petition.

3. The learned Special Government Pleader appearing for the respondent made a submission that the disciplinary proceedings are initiated against the husband of the writ petitioner. He joined in Government service by producing false certificate and the departmental disciplinary proceedings were initiated. However, the



said proceedings are not continued on account of death of an employee.

4. The question arises as to whether an employee facing the disciplinary proceedings dies, the legal heirs are eligible for appointment on compassionate grounds. Unless the disciplinary proceedings reach finality or end with an order of punishment, no one can form an opinion that he is a punished employee. Furthermore, the allegation remains as an allegation and during the course of the proceedings, the employee died. Thus, mere pendency cannot be a bar for consideration of the application. However, the application is to be considered with reference to other eligibility criterias fixed under the scheme of compassionate appointment. The eligibility criterias, indigent circumstances, income ceiling are to be verified by the competent Authorities before taking a decision.

5. In this view of the matter, the respondents are directed to consider the application submitted by the writ petitioner for compassionate appointment, take a decision and pass appropriate orders as expeditiously as possible preferably within a period of 12 weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1 The Director
Directorate of Town Panchayat,
Kuralagam Buildings, Chennai-600108.

2 The Executive Officer
Town Panchayat, Ilanji,
Thenkasi District- 627 805.

+1 CC to M/s.SPL GP (SR-11534[F] dated 11/03/2022)

+1 CC to M/s.S.KADARKARAI, Advocate (SR-10820[F] dated 09/03/2022)

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