



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:06.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.3647 of 2022

WEB COPY

Priyanka

... Petitioner

Vs.

1.The Administrative Medical Officer,
ESI Dispensary
ESI Corporation
1st Floor, SRI SAI No.102,
Arcot Road, Kodambakkam,
Chennai 600 024.

2.The Administrative Medical Officer,
ESIC Regional Office,
143 Sterling Road,
Nungambakkam,
Chennai 600 034.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus to direct the respondents herein to provide petitioner the job under compassionate appointment by considering the petitioner's representation dated 04.01.2022.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.A.K.Manikkam
Special Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents to provide appointment on compassionate ground based on the petitioner's representation dated 04.01.2022.

2.The petitioner states that her husband Mr.Selvakumar was an employee in ESI Dispensary under the control of the ESI Corporation. The marriage between the petitioner and the deceased employee was solemnized on 24.05.2020 and the employee died on 24.06.2020 within a period of 30 days from the date of marriage. Thus, the petitioner submitted an application seeking appointment on compassionate ground.

3.The learned Special Government Pleader made a submission that the date of marriage and the date of death creates certain suspicion and therefore, the application was not considered.



4.This Court is of the considered opinion that mere suspicion is not enough to form an opinion, an enquiry has to be conducted in respect of the disputed facts or otherwise. In the present case, no doubt, the petitioner married the deceased employee on 24.05.2020 and the employee died on 24.06.2020. However, the facts and circumstances are to be verified with reference to the documents and evidences, which are all to be produced by the petitioner at the time of conducting an enquiry by the competent authority. However, merely on the ground of suspicion, the application cannot be kept pending or rejected. This being the principles to be followed, the respondents are directed to look into the issue and conduct an enquiry and thereafter take a decision strictly in consonance with the terms and conditions of the scheme for compassionate appointment and pass appropriate orders.

5.The Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR

To

1.The Administrative Medical Officer,
ESI Dispensary
ESI Corporation
1st Floor, SRI SAI No.102,
Arcot Road, Kodambakkam,
Chennai 600 024.

2.The Administrative Medical Officer,
ESIC Regional Office,
143 Sterling Road,
Nungambakkam,
Chennai 600 034.

+1 CC to M/s.T.A. EBENEZER, Advocate (SR-17137[F] dated 07/04/2022)

+1 CC to M/s.SPL.GP (SR-17210[F] dated 07/04/2022)

W.P. (MD)No.3647 of 2022

06.04.2022