



W.A(MD) No.620 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.12.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

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N.Nagasivam

... Appellant

-VS-

1.Executive Officer,
Town Panchayat Office,
Batlagundu – 624 202.

2.The Assistant Director of
Town Panchayat Office,
(Collector Office),
Dindigul – 624 004.

3.The Director,
Directorate of Town Panchayat,
Urban Administrative Building,
75, Santhome High Road,
R.A.Puram, Chennai – 28.

4.The District Collector,
Collector Office,
Dindigul District – 624 004.

... Respondents



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Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 01.03.2022 made in W.P(MD) No.7088 of 2021.

For Appellant : Mr.N.Nagasivam (Party-in-Person)

For Respondents : Mr.S.P.Maharajan
Special Government Pleader
for R1 to R4

J U D G M E N T

**(Judgment of the Court was
made by J.SATHYA NARAYANA PRASAD, J.)**

This writ appeal is directed against the order of dismissal dated 01.03.2022 passed by the learned Judge in W.P(MD) No.7088 of 2021.

2. The writ petitioner is the appellant herein. According to him, his father M.Nagendran served as a Sweeper in Batlagundu Town Panchayat and he died on 19.11.2017, while he was in service. It is further stated that his family is in penurious circumstances and he finds it difficult to live with his mother and is living separately with his family, as his mother was not taking care of him, even during the life time of his father, and therefore, he has to be given appointment on compassionate ground. Stating so, he submitted an application seeking compassionate appointment on 19.12.2019, which was taken into consideration by the



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respondents. However, the claim of the appellant for compassionate appointment was rejected by the first respondent *vide* proceedings dated 07.01.2020 and challenging the same, the appellant filed the writ petition. The learned Judge without considering the appellant's grievance, dismissed the writ petition. Aggrieved by the same, the appellant has filed the present writ appeal.

3. On the other hand, the learned Special Government Pleader appearing for the respondents filed a detailed counter-affidavit, since the writ petition was disposed at the admission stage. He submitted that as per the scheme, if any one of the family members of the deceased employee is in Government employment, then the benefit of compassionate appointment cannot be provided to another member of the family of the deceased employee. In the present case, the enquiry revealed that the deceased employee M.Nagendran at the time of his death, was living in the joint family at Perumal Kovil Street, Batlagundu, Dindigul District and after his death, the appellant is living with his mother Nagoorammal, who arranged marriage for him on 19.10.2018 at Batlagundu and in the marriage invitation, it was stated that the appellant is gainfully employed. The learned Special Government Pleader further



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submitted that the appellant and his mother in order to get the terminal benefits of the deceased employee, have submitted a petition before the District Collector on the grievance day i.e., on 26.11.2018 and in the said petition, the address was mentioned as 9th Ward, Perumal Kovil Street, Batlagundu. Thus, it is clear that the appellant and his mother are living in the same address as a joint family. It is also submitted by the learned Special Government Pleader that the Competent Authority during the field inspection, found that the appellant and his mother are in cordial relationship and are living as a joint family. That apart, the appellant based on the false information, has obtained the income certificate from the Tahsildar, Nilakottai, to the effect that the appellant's annual income is Rs.1,08,480/-. Therefore, the appellant is not entitled to get appointment on compassionate grounds.

4. Adding further, the learned Special Government Pleader appearing for the respondents submitted that the mother of the appellant is a permanent employee in the Town Panchayat and drawing salary more than Rs.25,000/- per month. Furthermore, as per G.O.Ms.No.18, Labour and Employment Department, dated 23.01.2020, the legal heirs of the deceased employee shall be eligible for compassionate appointment, if



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none among the legal heirs is in permanent Government job. Whereas, in the present case, the appellant's mother had acquired permanent job before the death of the appellant's father and they are living together till his death. Taking note of all these factors, the learned Judge has rightly held that the compassionate appointment is a concession scheme considering the crisis in a family of the deceased employee and the personal grievance submitted by the appellant / writ petitioner cannot be a ground to consider him for compassionate appointment. It was further held that the compassionate appointment is restricted to one of the dependents of the deceased employee subject to the other conditions stipulated in G.O.Ms.No.18, Labour and Employment Department, dated 23.01.2020, and therefore, the appellant is not eligible for compassionate appointment as his mother is a permanent employee in the same Town Panchayat and at present earning a sum of Rs.34,760/- per month as sanitary worker, besides receiving family pension of Rs.13,000/- per month. Therefore, the learned Special Government Pleader submitted that the order of the learned Judge does not warrant any interference at the hands of this court.



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5. Heard the petitioner, who appeared as party-in-person and the learned Special Government Pleader appearing for the respondents and also perused the materials available on record.

6. Undoubtedly, the compassionate appointment is intended to protect the family of the deceased from the sudden financial crisis and provide for livelihood thereby enabling the family to move on from the indigent circumstances. With the said object, the Government passed G.O.Ms.No.18 Labour and Employment (Q1) Department, dated 23.01.2020, which superseded all the Government orders earlier issued from the year 1972 and the scheme so framed, is only an exception to a regular appointment as it is being made under exceptional circumstances, unwanted and unpredicted by any beneficiary. It is also clear that the appointment should be given to the legal heirs of the deceased employee, subject to the conditions stipulated in the said G.O.

7. It is an admitted fact that the appellant's mother is working as a permanent employee in the Town Panchayat and receiving a salary of Rs. 34,760/- per month. The appellant's mother had acquired the permanent job, even before the death of the appellant's father and they were living



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together till his death. According to G.O.Ms.No.18, dated 23.01.2020, the compassionate appointment is restricted to one of the dependents of the deceased employee subject to the other conditions stipulated therein. Applying the said condition, the appellant is not entitled for compassionate appointment. Considering of all these aspects, the learned Judge has rightly dismissed the writ petition filed by the appellant seeking compassionate appointment.

8. In view of the above facts and circumstances of the case, we are not inclined to interfere with the order passed by the learned Single Judge in WP(MD) No.7088 of 2021, dated 01.03.2022 and the same is hereby confirmed.

9. In the result, this Writ Appeal stands dismissed. No costs.

[R.M.D., J.] [J.S.N.P., J.]
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Index : Yes / No
Internet : Yes / No
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