



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 01.03.2022**

**CORAM:**

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

**W.P. (MD) No.7088 of 2021**

WEB COPY

Nagasivam.N.

... Petitioner

vs.

1.The Executive Officer  
Town Panchayat Office  
Batlagundu-624 202

2.The Assistant Director of Town Panchayat Office  
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

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records pertaining to the impugned order Na.Ka.No.816/2017/Tha.A, dated 07.01.2020, on the file of the respondent No.1 and quash the same as illegal consequently directions to the respondents herein to provide suitable employment to petitioner under compassionate grounds on the basis of Government Order M.S.No.155, Labour and Employment, dated 16.07.1993 within time stipulated by this Court.

For Petitioner : Mr.Nagasivam.N.  
Party-in-person

For Respondents : Mr.N.Satheesh Kumar  
Additional Government Pleader

**O R D E R**

The order of rejection rejecting the claim of the



petitioner for compassionate appointment vide proceedings dated 07.01.2020 is under challenge in this writ petition.

2. The petitioner states that his father M.Nagendran served as Sweeper in Batlagundu Town Panchayat. The petitioner's father died on 19.11.2017, while he was in service. The application seeking compassionate appointment was submitted on 27.11.2017 by the mother of the petitioner and subsequently, the petitioner made an application on 19.12.2019, which was taken into consideration by the respondents.

3. The impugned order dated 07.01.2020 addressed to the District Collector by the Executive Officer of the Town Panchayat reveals that as per the scheme of compassionate appointment, if anyone 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.

4. The petitioner-in-person articulated his case by stating that still his family is in penurious circumstances and he is not living with his mother and he is separately living with his family. It is contended that even during the lifetime of his father, his mother was not taking care of him. Therefore, appointment on compassionate grounds is to be provided to the petitioner.

5. The impugned order further reveals that an enquiry was conducted and the fact remains that the deceased employee Nagendran at the time of his death was living as a joint family in Perumal Kovil Street, Batlagundu, Dindigul District. The petitioner after the death of his father was living with his mother Nagoorammal and she arranged marriage for the petitioner on 19.10.2018 at Batlagundu and even in the marriage invitation, it is stated that the petitioner is working a Company, namely, Diploma Industrial Safety. However, the Tahsildar, Nilakkottai, issued a certificate based on the incorrect facts furnished by the petitioner. In other words, it is contended that by furnishing false set of facts, the petitioner obtained certificate from the Tahsildar, Nilakkottai. This apart, the petitioner and his mother in order to get the terminal benefits of the deceased employee have submitted a petition on the grievance day before the District Collector on 26.11.2018 and in the said petition, the address is stated as 9<sup>th</sup> Ward, Perumal Kovil Street, Batlagundu. Thus, the petitioner and his mother are living in the same address as a joint family.

6. The Authority competent conducted a field inspection and they found that the petitioner and his mother are cordial and living as a joint family. Therefore, the Authority competent formed an opinion that the petitioner has given a false information and obtained false certificate by placing incorrect facts to the



Tahsildar, Nilakkottai and therefore, the petitioner is not entitled to get appointment on compassionate grounds.

7. This Court is of the considered opinion that while seeking appointment on compassionate grounds, the person should not indulge in getting false certificates or submitting false information to the Authority concerned. In the event of making any such false statement in the application form or the certificates obtained based on certain incorrect details, then such persons are not entitled for appointment on compassionate grounds. A person approaching the Authority concerned seeking compassionate appointment, at the first instance, must produce all the facts and circumstances in a truthful manner and only then, the cases are to be considered. As per the impugned order in the present case, the petitioner has obtained a certificate from the Tahsildar, Nilakkottai, by placing incorrect details and further, made a false statement that he is not cordial with his mother, who is also an employee in the Town Panchayat.

8. Beyond all these incorrect statements by the petitioner, the fact remains that the mother of the petitioner is also employed in the Town Panchayat. Anyone of the family members is employed gainfully as permanent employee, then the other members of the family of the deceased employee are not entitled for compassionate appointment.

9. The learned Additional Government Pleader appearing for the respondents made a submission that the mother of the petitioner is a permanent employee in the Town Panchayat and drawing salary of more than Rs.25,000/- per month.

10. This being the factum established, this Court is of the opinion that the petitioner is not eligible to seek appointment on compassionate grounds as per the scheme of compassionate appointment. Thus, the communication of the Executive Officer of Batlagundu Town Panchayat to the District Collector, Dindigul, is in consonance with the terms and conditions of the scheme of the compassionate appointment and there is no infirmity as such in the said communication.

11. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To:

1.The Executive Officer,  
Town Panchayat Office,  
Batlagundu-624 202.

2.The Assistant Director of Town Panchayat Office,  
Assistant Director of Town Panchayat Office,  
(Collector Office),  
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3.The Director,  
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R.A.Puram, Chennai-28.

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

+1 CC to M/s.N.NAGASIVAM, Advocate ( SR-9538[F] dated 02/03/2022 )

**ORDER MADE IN**  
**W.P. (MD) No.7088 of 2021**  
**01.03.2022**

KVL/12.03.2022/4P/6C