



W.A.(MD)No.705 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.A(MD)No.705 of 2022

K.Vinoth

... Appellant/Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by its Secretary,
Social Welfare & Nutrition Meal Department,
Fort St. George, Chennai – 600 009.
- 2.The Director,
Social Welfare & Nutrition Meal Department,
Arunachalam Street,
Chindaripet, Chennai – 600 002.
- 3.The District Collector,
Office of District Collector,
Virudhunagar District.
- 4.District Project Officer,
Office of District Project Office,
Integrated Child Development Project Scheme,
Virudhunagar District,
Virudhunagar.



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5.The District Child Development,
Project Officer,
Virudhunagar District.

6.Block Development Officer,
Office of Vathrairuppu, (BDO),
Virudhunagar District.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent, against
the order passed in W.P(MD)No.7868 of 2019, dated 07.02.2022.

For Appellant :Mr.J.Anandkumar

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

JUDGMENT

(Judgment of the Court was delivered by **S.S.SUNDAR, J.**)

Heard Mr.J.Anandkumar, learned counsel for the appellant and
Mr.N.Satheesh Kumar, learned Additional Government Pleader, who
takes notice for the respondents.

2. By consent of parties, the writ appeal is disposed of at the
admission stage itself.



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3. This writ appeal is directed against the order of the learned Single Judge, dated 07.02.2022 in W.P(MD)No.7868 of 2019, dismissing the writ petition filed by the appellant.

4. The case of the appellant is that his father was appointed as Noon Meal Organizer at Kamarajar Middle School, Kunoor, Vathrairuppu Union. Pursuant to the sudden death of his father, he submitted an application for getting compassionate appointment on the ground that the his family was in indigent circumstances. The application of the appellant was rejected on the ground that the Post of Noon Meal Organizer cannot be filled up by a male as the Post of Noon Meal Organizer in the schools is exclusively meant for woman candidates. Justifying the said reason, the writ petition was dismissed by the learned single Judge on the ground that the Post of Noon Meal Organizer being exclusively allotted for woman candidates, the appellant is not entitled to seek compassionate appointment. Further, the learned single Judge also pointed out that there are other female heirs of the deceased, for negating the relief.



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5. The learned counsel for the appellant produced before this Court the Government Order in G.O.(Ms).No.18 Labour and Employment (Q1) Department, dated 23.01.2020, whereby comprehensive guidelines regarding compassionate appointment were given by the Government. In the said G.O., the procedure for processing the applications are given and clauses 7 to 9 of the procedures read as follows:

“(vii) In case the Head of the Department finds that there is no vacancy in any of his offices and none is likely to occur in the near future he should send the name and all relevant particulars to the Collector of the District in which the deceased Government servant last worked.

(viii) The collector of each District should maintain a Special Register for this purpose and enter therein the name and other details of such dependants.

(ix) Whenever a vacancy in the category of Office Assistant / Record Clerk / Junior Assistant / Typist, etc., arises in any Department including that of the Head of the Department referred to in instruction above, the Head of the Department should first address the Collector of the District in which the vacancy has arisen and find out whether any dependant of a deceased Government servant is available for consideration for appointment to that post.

(x) On receipt of such enquiry from a Head of Department, the Collector shall send the name or names and details of dependant from the Special Register,



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depending upon the number of vacancies and as per the seniority, for consideration for appointment in that Department.”

6. It is also brought to the notice of this Court by the learned Additional Government Pleader that the same learned Judge, latter in W.P(MD)No.17619 of 2021, has allowed the writ petition in a similar case by directing the respondents to refer the name of the writ petitioner to the District Collector for the purpose of considering the case of the writ petitioner along with general list of persons to be considered for compassionate appointment. It is also stated that the two daughters of deceased got married and that they are no more dependants of deceased.

7. Hence, the order of the learned single Judge without considering the guidelines issued by the Government in G.O.(Ms).No.18 Labour and Employment (Q1) Department, dated 23.01.2020, is unsustainable.

8 . Accordingly, the writ appeal is allowed and the order of the learned single Judge, dated 07.02.2022 in W.P(MD)No.7868 of 2019, is set aside. The sixth respondent is directed to refer the name of the



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appellant to the District Collector for considering the case of the appellant in terms of G.O.(Ms).No.18 Labour and Employment (Q1) Department, dated 23.01.2020. Such exercise shall be completed within four weeks from the date of receipt of a copy of this order. No Costs.

[S.S.S.R., J.] [S.S.Y., J.]
14.07.2022

Index : Yes / No

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