



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.8531 of 2021

S.Revathi

... Petitioner

vs.

1.The Director General
Narcotic Control Bureau
Head Office West Block
Wing No.5, Sector-I
R.K.Puram, New Delhi-110 066

2.The Zonal Director
Narcotic Control Bureau
Chennai Zonal Unit
Plot-49, II Main Road
TNHB Layout, Ayyapakam, Chennai-77

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records pertaining to the impugned order of the respondent No.1 in F.No.1/(703)/2014/ Estt/842, dated 22.03.2021, and quash the same as illegal and consequently direct the Respondents to provide employment to the petitioner on the basis of compassionate grounds, within the time stipulated by this Court.

For Petitioner : Mr.R.Venkatesan

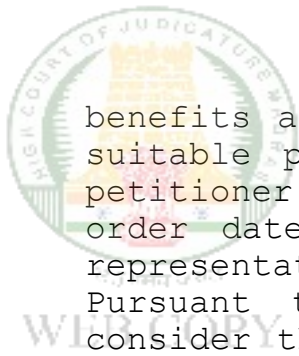
For Respondents : Mrs.L.Victoria Gowri

Assistant Solicitor General of India

O R D E R

The order of rejection, dated 22.03.2021, passed by the first respondent, rejecting the claim of the petitioner for compassionate appointment, is under challenge in this writ petition.

2. The petitioner states that the marriage between her and the deceased employee Selvam was solemnized on 06.12.2013. The husband of the petitioner died on 27.10.2014. The petitioner submitted an application to settle the terminal and pensionary



benefits and appoint her on compassionate grounds in anyone of the suitable posts. Since the said request was not considered, the petitioner filed W.P.(MD) No.20110 of 2014, wherein this Court, by order dated 04.12.2020, directed the respondents to consider the representation of the petitioner and take appropriate decision. Pursuant to the orders passed by this Court, the respondents consider the case of the petitioner and rejected her claim, by the impugned order dated 22.03.2021.

3. The learned counsel appearing for the petitioner has referred to the Government Order in G.O.Ms.No.18, Labour and Employment Department, dated 23.01.2020, which is not applicable to the Central Government employees and applicable only to the State Government employees. The Authorities competent, while considering the case of the petitioner, clearly stated that in the nomination form, the deceased employee provided the details of the family members. As per the nomination form, Smt.Prema is shown as the legally wedded wife and Miss.S.Suganthi and Miss.S.Sujatha are the daughters of the deceased employee. However, the name of the petitioner is not found in the nomination form given by the deceased employee.

4. The learned Assistant Solicitor General of India appearing for the respondents made a submission that the petitioner is the second wife of the deceased employee and their marriage was solemnized during the lifetime of the first wife of the deceased employee and therefore, the marriage between the petitioner and the deceased employee itself is invalid.

5. The learned counsel appearing for the petitioner made a submission that the petitioner has obtained a certificate stating that the marriage between the petitioner and the deceased employee is the first marriage. The said certificate enclosed in Page No.4 of the typed set of papers filed along with this writ petition was issued by the Village Administrative Officer, who has no competency to issue such a certificate and hence, the sanctity of the said certificate cannot be trusted upon by this Court. The basis on which such a certificate was issued by the Village Administrative Officer is also not known as the Village Administrative Officer is not competent to issue such certificates of first marriage or second marriage.

6. This Court is of the considered opinion that the petitioner claims herself as the first wife. However, the deceased employee nominated one Prema as the legally wedded wife and the name of two daughters have also been given in the nomination form. Under these circumstances, this Court is of the opinion that the respondents have proceeded in accordance with the service records of the deceased employee and there is no infirmity as such in the impugned order passed by the first respondent.



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W.P.(MD) No.8531 of 2021

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

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

1.The Director General,
Narcotic Control Bureau,
Head Office West Block,
Wing No.5, Sector-I,
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