



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.10858 of 2021

and

W.M.P. (MD) No.8488 of 2021

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Muthulakshmi

... Petitioner

vs.

1.The District Collector
Madurai District
Madurai

2.The General Manager (Administration)
Tamil Nadu Civil Supplies Corporation (H.O.)
12, Thambusamy Road
Kilpauk, Chennai

3.The Dean
Government Rajaji Hospital
Madurai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the 1st and 2nd respondents to grant employment under compassionate appointment for the death of the petitioner's husband viz. M.Thavidan (Employee ID No.990102)-DPC Watch Man under the 2nd respondent TNCSC Corporation on 14.08.2020 in the 3rd respondent's Government Rajaji Hospital, Madurai as per the Government Circulars, Government Orders and Press Release, on the basis of the last representation dated 20.04.2021 within the time stipulated by this Court.

For Petitioner : Mr.Vishnuvarthanan.P.M.

For Respondents : Mr.A.K.Manikkam
Special Government Pleader for R1 & R3
Mr.G.Mohan Kumar for R2

O R D E R

The relief sought for in this writ petition is to direct the respondents 1 and 2 to provide compassionate appointment to the petitioner, based on her representation dated 20.04.2021.

2. The husband of the petitioner was working as a Seasonal Watchman in the second respondent - Civil Supplies Corporation. The petitioner states that her husband died due to Covid-19 infection on



14.08.2020. Soon after the date of her husband, the petitioner's family suffered as he was the sole breadwinner of the family. The petitioner submitted an application seeking benefits and appointment on compassionate grounds. However, the benefit of compassionate appointment was not granted to the petitioner.

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3. The learned counsel for the petitioner made a submission that the petitioner submitted application in accordance with the scheme of compassionate appointment and further, the husband of the petitioner died due to Covid-19 infection and therefore, the petitioner is eligible to get appointment on compassionate grounds.

4. The learned Special Government Pleader appearing for the respondents 1 and 3 made a submission that the petitioner was working as a temporary employee and therefore, the scheme of compassionate appointment cannot be extended to the petitioner.

5. The learned counsel appearing for the second respondent - Civil Supplies Corporation made a submission that the petitioner's husband was ousted from service even prior to his death and on the date of death, the petitioner's husband was not an employee. This apart, he was a seasonal worker employed as Watchman and he is not a permanent employee.

6. This Court is of the considered opinion that the scheme of compassionate appointment is applicable only to the regular employees and the scheme of compassionate appointment cannot be extended to the temporary, casual or seasonal employees, who all are engaged on need basis. In the present case on hand, according to the second respondent - Civil Supplies Corporation, the husband of the petitioner was ousted from service on 13.07.2020 and died on 14.08.2020 and therefore, he was not an employee on the date of his death. Even assuming that he was an employee on the date of his death, however, he was only a seasonal worker as Watchman and therefore, the petitioner is not entitled for the relief as such sought for in this writ petition.

7. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar (LA&MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

1.The District Collector,
Madurai District,
Madurai.

2.The Dean,
Government Rajaji Hospital,
Madurai.

+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate (SR-9868[F] dated
03/03/2022)

+1 CC to M/s.G.MOHAN KUMAR, Advocate (SR-9875[F] dated 03/03/2022)

+1 CC to M/s.SPL GP (SR-10335[F] dated 07/03/2022)

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RD(16.03.2022) 3P 6C