



WA.(MD)No.834 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE Mrs. JUSTICE S.SRIMATHY

**WA.(MD)No.834 of 2022 and
CMP(MD) No.6508 of 2022**

M.Meeral

: Petitioner

Vs.

1.The District Collector
Tirunelveli District
Tirunelveli.

2.The Sub Collector
Cheranmahadevi
Tirunelveli District

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 07.03.2022 made in W.P.(MD) No.15528 of 2021.

For Appellant
For Respondents

: Mr.S.Bharathy Kannan
: Mr.T.Amjad Khan
Government Advocate



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ORDER

(Order of the Court was made by S.S.SUNDAR, J.)

This writ appeal is directed against the order of a learned Single Judge dismissing the writ petition filed by the appellant in W.P.(MD)No. 15528 of 2021.

2. The brief facts that are necessary for the disposal of this appeal are as follows:

The appellant is the wife of one Mohammed Abdul Rahman, who died, when he was serving as a Village Administrative Officer at South Ariyanayagipuram Village, Cheranmahadevi Taluk, Tirunelveli District. Since he died, while he was in service, on behalf of her daughter, the appellant gave a representation seeking appointment on compassionate ground. After assessing the financial background of the family, the Tahsildar issued a certificate to the appellant recommending the case of the appellant's daughter to provide appointment on compassionate ground. Similarly, the Sub Collector, namely, the second respondent also forwarded his recommendation to the first respondent. The first



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respondent, however, passed the impugned order thereby rejecting the application on the ground that subsequent to the death of her husband, the appellant's son got employment and was working from the year 2016 and that the application to provide appointment on compassionate ground to another legal heir is not permissible as per G.O.Ms.No.18 Labour and Employment dated 23.01.2020. Challenging the same, the appellant filed a writ petition. Accepting the reason assigned by the first respondent, the writ petition came to be dismissed. Against the said order of dismissal, the appellant is before this Court with this writ appeal.

3. The learned counsel for the appellant submitted that the appellant's son got employment in the year 2016 and is living separately, after marriage and that he is not extending any financial support to the family of the appellant. The learned counsel further submitted that G.O.Ms.No.18 cannot be applied mechanically to the case of the appellant, as the intention behind providing compassionate appointment will be defeated, if the application of eligible candidates, like the appellant's daughter, who really deserve, are dismissed by applying G.O.Ms.No.18 on literal interpretation. To support his contention, the



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learned counsel relied upon a judgment of this Court dated 19.02.2021 in the case of District Collector v. K.Ilayarani in W.A.(MD) No.381/2021.

4. This Court is unable to countenance the arguments of the learned counsel for the appellant for the following reasons:

(i) First of all, as it has been repeatedly held by this Court as well as the Hon'ble Supreme Court that the application to provide appointment on compassionate ground should be considered strictly in accordance with the scheme of compassionate appointment.

(ii) In the present case, the facts are not in dispute that one of the legal heir of the deceased employee, ie., appellant's son got employment, after the death of the deceased employee/husband of the appellant ;

(iii) G.O.Ms.No.18 contains comprehensive guidelines for providing appointment on compassionate ground and the said G.O. consists of the following clause:

“(v) The compassionate ground appointment will not be considered:-

(a) In case any person of the deceased



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Government Servant's family is in regular employment
in Government/private enterprises.

(b) The wife of the deceased Government Servant who applied for appointment for herself is remarried.”

(iv) Though the Division Bench of this Court in the judgment (supra) relied upon by the appellant has considered a case, which is almost similar to the present case, the Division Bench has not referred to the comprehensive guidelines vide G.O.Ms.No.18 dated 23.01.2020. Had the Division Bench considered the guidelines, the judgment would be otherwise. Hence, this Court is unable to follow the same as precedent ; and

(v) In the present case, referring to the comprehensive guidelines particularly, clause (v) extracted above, the District Collector has rightly rejected the application of the appellant. The learned single Judge has also dismissed the writ petition by holding that the order of the District Collector is perfectly in order and hence, there is no interference is warranted on the same.



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Accordingly, the writ appeal fails and the same is accordingly dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

[S.S.S.R, J.] & [S.S.Y, J.]
08.08.2022

Internet : Yes

RR

To

1.The District Collector
Tirunelveli District
Tirunelveli.

2.The Sub Collector
Cheranmahadevi
Tirunelveli District



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S.S.SUNDAR. J
AND
S.SRIMATHY, J
RR

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