



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.03.2022
CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.17619 of 2021

M.Nithyanantham

... Petitioner

-vs-

1.State of Tamil Nadu,
Rep., by its Secretary to the Government,
Social Welfare & Nutritious Meal Programme,
Fort St. George, Chennai-9.

2.The Director of Social Welfare,
Chepauk, Chennai-5.

3.The District Collector,
Collectorate Campus,
Dindigul District.

4.Personal Assistant to District Collector,
Noon Meal Scheme,
Dindigul District.

5.The Block Development Officer,
Aathur Union, @ Sempatti,
Dindigul District.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Government Letter No.5944/SaNa4-2/2020-1 dated 09.02.2021 on the file of the Respondent No.1 and quash the same as illegal and consequently for a direction directing the Respondent No.3 to provide compassionate appointment to the petitioner in the post of Noon Meal Organizer or any other suitable post coming under Group C or Group D in the Social Welfare Department or any other Department in accordance with the Government Order in G.O.Ms.No.198 Social Welfare and Nutritious Meal Programme Department dated 25.10.2007 and the comprehensive guidelines issued vide Government Order in G.O.(Ms).No.18 Labour and Employment (Q1) Department dated 23.01.2020 and in the light of the judgment of this Court in W.P.No.24005 of 2014 dated 11.03.2015 and W.P.No.21526 of 2017 dated 27.07.2018 within the time period stipulated by this Court.



For Petitioner : Mr.T.Lajapathi Roy
For RR1 to 4 : Mr.N.Satheesh Kumar,
Additional Government Pleader
For R5 : Mr.A.K.Manikkam,
Special Government Pleader

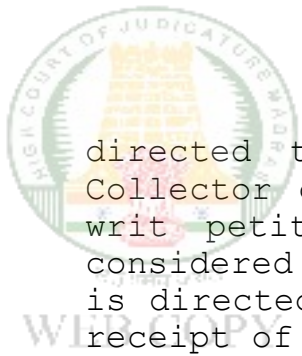
O R D E R

The order of rejection dated 09.02.2021 rejecting the claim of the writ petitioner for compassionate appointment is under challenge in the present writ petition.

2.The mother of the writ petitioner, Smt.Panjavarnam, was working as Noon-Meal Organizer in the Union Primary School, Velagoundanpatti, Athoor, Dindigul and died on 23.07.2019. The petitioner submitted an application in time seeking appointment on compassionate grounds. However, it was rejected on the ground that the post of Noon-Meal Organizer is to be filled up only by female legal heirs as per the rules and therefore, appointment cannot be provided to the petitioner. Thus, the petitioner is constrained to move the present writ petition.

3.The learned counsel appearing for the petitioner made a submission that in such circumstances, the respondents would have referred the name of the writ petitioner to the District Collector for considering his under the General List of persons waiting for compassionate appointment. The scheme of compassionate appointment issued in G.O.Ms.No.18, Labour and Employment (Q1) Department dated 23.01.2020 states that "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".

4.In the present case, as pointed out by the learned Special Government Pleader, there is no procedure to appoint male legal heir as Noon Meal Organiser. Therefore, the petitioner cannot be appointed as Noon Meal Organiser. In such circumstances, the respondents have to refer the name of the petitioner to the District Collector concerned for considering his case under the General List, if the petitioner is otherwise qualified. Under these circumstances, there is no infirmity in respect of the order impugned passed by the respondents. However, in view of the fact that the male legal heir cannot be appointed as Noon meal Organiser, the respondents are



directed to refer the name of the petitioner to the District Collector concerned for the purpose of considering the case of the writ petitioner along with the General List of persons to be considered under compassionate appointment scheme. The said exercise is directed to be done within a period of 12 weeks from the date of receipt of a copy of this order.

5. With the above observations and direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

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Dindigul District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-10487[F] dated 08/03/2022)

+1 CC to M/s.SPL GP (SR-10610[F] dated 08/03/2022)

W.P.(MD) No.17619 of 2021

07.03.2022

_SS/25.03.2022 : 3P/8C