



W.P.(MD)No.315 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.07.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE G. CHANDRASEKHARAN**

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P.Umarani

.. Petitioner

Vs

1.The Superintending Engineer,
Tamil Nadu Water and Drainage Board,
Tiruchirapalli-1.

2.The Executive Engineer,
Tamil Nadu Water and Drainage Board,
Tiruchirapalli Circle,
Tiruchirapalli-18.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the second respondent in Letter No. 1447/Ni.Ye/Ko.Purushtaman/2014 dated 23.09.2014 and quash the same and consequently directing the respondents 1 and 2 to consider the application made by the petitioner to the Managing Director of the Board dated 23.07.2010 requesting for his appointment on compassionate grounds.



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For Petitioner : Mr.S.K.Mani
For Respondents : Mr.R.Satheesh
Standing Counsel

ORDER

This Writ Petition has been filed to quash the impugned order of the second respondent in Letter No.1447/Ni.Ye/Ko.Purushthaman/2014 dated 23.09.2014 and consequently, direct the respondents 1 and 2 to consider the application made by the petitioner to the Managing Director of the Board, dated 23.07.2010, requesting for her appointment on compassionate grounds.

2.The learned counsel appearing for the petitioner submitted that the petitioner's husband namely Purushothaman was appointed as N.M.R.Watchman in the first respondent Board on 16.09.1987. He was removed from service by the second respondent on 21.12.1992. Thereafter, he raised an industrial dispute in I.D.No.23/1998 before the Labour Court, Tiruchirapalli, for regularizing his work as he had worked for 480 days continuously within a span of two years. The Labour Court



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passed an award dated 06.09.1999, directing the second respondent to reinstate the petitioner's husband in service with continuity of service without backwages and other benefits. Against the said order, the second respondent filed a Writ Petition in W.P.No.6054 of 2000 on the file of the High Court of Madras and the same came to be dismissed on 18.04.2009. During the pendency of the Writ Petition, the petitioner's husband was murdered in the year 2007. Therefore, the said Writ Petition was continued by the petitioner and her children. As per the order passed in W.P.No.6054 of 2000, the petitioner's husband service was regularized by the proceedings of the Board in Na.Ka.No.981/A1/Ra.Na. Dated 24.05.2010.

3.The petitioner studied upto 10th standard and she sent a representation to the second respondent for appointment on compassionate grounds on 04.04.2008. The second respondent had communicated to the petitioner by a letter dated 17.04.2008, stating that her representation will be considered after disposal of the murder case. Again, she sent a representation to the Managing Director of the Board on 23.07.2010 and another representation on 25.10.2010. The petitioner



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received communication from the second respondent on 23.09.2014, alleging that her application is belated, forgetting that the petitioner had sent representation as early as on 04.04.2008. Hence, the present Writ Petition has been filed.

4.It is submitted by the learned counsel appearing for the petitioner that it is stated in the affidavit that the petitioner has studied upto 8th standard and in the representation dated 04.04.2008, she mentioned that she has studied upto 10th standard. But the Transfer Certificate shows that she had discontinued 8th standard. The petitioner has mistakenly stated in her representation that she has studied upto 10th standard. Therefore, considering the petitioner's educational qualification as discontinuation of 8th standard, she be given suitable appointment on compassionate grounds.

5.Per contra, the learned Standing Counsel appearing for the respondents submitted that there are contrary claims made by the petitioner with regard to her educational qualification. When the petitioner was asked to support her educational qualification with



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necessary documents, she failed to positively respond. Therefore, her claim was not considered for want of necessary information with regard to her educational qualification.

6.From the facts narrated above, it is seen that the service of the petitioner's husband Purushothaman was regularized as per the proceedings of the Board in Na.Ka.No.981/A1/Ra.Na. Dated 24.05.2010, which is not in dispute and the petitioner has sent representation dated 04.04.2008 for compassionate appointment. In her representation, she obviously claims that she studied upto 10th standard. Now, the copy of the Transfer Certificate produced by the learned counsel for the petitioner shows that she had only discontinued 8th standard. That means she has not cleared 8th standard. No doubt, considering the background of the case, the petitioner is entitled for compassionate appointment based on her educational and other qualification on the death of her husband.

7.In the light of the above, the impugned order of the second respondent in letter No.1447/Ni.Ye/Ko.Purushothaman/2014, dated 23.09.2014 is hereby quashed and the respondents 1 and 2 are directed to



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pass appropriate order on the representation of the petitioner dated 04.04.2008. This exercise shall be completed, within a period of two months from the date of receipt of a copy of this order.

8.Accordingly, this Writ Petition is allowed. No costs.

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Index: Yes/No
Internet : Yes/No
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