



W.P.No.787 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.01.2023

Coram:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.787 of 2023 and W.M.P. No.732 of 2023

1.M.Vinitha Shalini

2.M.Tulasi

... Petitioners

Vs.

1.The State of Tamil Nadu rep. by
The Additional Principal Chief Secretary to Government,
Department of Environment,
Climate Change and Forest,
Fort St. George,
Chennai 600 009.

2.The Principal Chief Conservator of Forest,
Head of Forest Force,
Forest Headquarters Building,
Near Kannikapuram Checkpost,
Guindy-Velacherry Main Road,
Guindy, Chennai 600 032.

3.The Conservator of Forest,
Vellore Circle,
Pillayar Kovil Street,
Rangapuram,
Vellore-632 009.



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4.The District Forest Officer,
Thirupathur – 635 601.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records in pursuant to the first impugned order issued by the 1st respondent in Lr.No.22507/Vanam.3/2021-3 dated 02.09.2022 and the consequential 2nd impugned order issued by the second respondent in proceeding Na.ka.No.Na2/47445/2020 dated 18.10.2022 and the subsequent 3rd impugned order issued by the third respondent in proceeding Na.Ka.No.Pa3/122/2021 dated 16.11.2022 and to quash these orders and consequently direct the respondents to appoint the petitioner in any suitable post on compassionate grounds.

For Petitioners : Mr.R.Prem Narayan

For Respondents : Mr.Stalin Abimanyu,
Additional Government Pleader

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2.This writ petition has been filed challenging the impugned orders rejecting the petitioners' application seeking for compassionate appointment on account of the death of Late G.Muniappan, while he was in public



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service. The petitioners have challenged the impugned orders on the ground that they are non-speaking orders and they are passed by total non-application of mind. According to the petitioners, G.O. Ms. No.80, Labour and Employment (Q1) Department dated 23.01.2020 does not deal with compassionate appointment. However, erroneously, by total non-application of mind, the said G.O. was applied by the respondents for rejecting the petitioners' application seeking for compassionate appointment.

3.Heard Mr.R.Prem Narayan, learned counsel for the petitioners and Mr.Stalin Abimanyu, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4.Earlier, the second petitioner, who is the mother of the first petitioner had applied for compassionate appointment and subsequently, the first petitioner was substituted in the place of the second petitioner. The same has been rejected by the respondents on the ground that such a substitution is not permissible as per G.O. Ms. No.80, Labour and Employment (Q1) Department dated 23.01.2020 as stated supra. The correct



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Government Order with regard to the compassionate appointment is G.O.

Ms.No.18, Labour and Employment (Q1) Department dated 23.01.2020 and not G.O. Ms. No.80, Labour and Employment (Q1) Department dated 23.01.2020 referred to supra. Erroneously, by total non-application of mind and by non-speaking orders, the respondents have rejected the petitioners' application seeking for compassionate appointment by applying G.O. Ms. No.80, Labour and Employment (Q1) Department dated 23.01.2020, which is not the relevant G.O. applicable for the compassionate appointments. Since the respondents have passed a non-speaking orders and the impugned orders are passed by total non-application of mind, the same has to be necessarily quashed and the matter remanded back to the respondents for fresh consideration, on merits and in accordance with law, within a time frame to be fixed by this Court.

5.For the foregoing reasons, the impugned orders dated 02.09.2022, 18.10.2022 and 16.11.2022 passed by the respondents 1 to 3 respectively are hereby quashed and the matter is remanded back to the first respondent for fresh consideration, on merits and in accordance with law. The first



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respondent is directed to pass final orders, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition stands disposed of.

Consequently, connected W.M.P. stands closed. No costs.

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Index: Yes/No



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ABDUL QUDDHOSE, J

vga

To

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