



WEB COPY



W.P.No.421 of 2018

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 06.03.2023

**CORAM:
THE HON'BLE MRS.JUSTICE S. SRIMATHY**

**W.P.No.421 of 2018
and W.M.P.No.474 of 2018**

R.Arokiam

w/o.Rajendran

...Petitioner

Vs

1.The District Collector,
Salem District.

2.The Director of Rural Development
and Panchayat Raj,
Panagal Buildings, Saidapet,
Chennai 600 015.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records relating to proceedings of the first respondent made in Na.Ka.No.5130/2017/Ni3 dated 03.11.2017 to quash the same and consequently direct the respondents to consider the claim of the petitioner's son for appointment to any suitable post forthwith and to extend all benefits thereto and to pass orders.

For Petitioner : No representation



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For Respondents : Mr.T.Chezhiyan
Additional Government Pleader

ORDER

This Writ Petition is filed challenging the impugned order passed in Na.Ka.No.5130/2017/Ni3 dated 03.11.2017 with consequential relief to grant compassionate appointment to the petitioner's son.

2.The husband of the petitioner was working as a sanitary worker in the office of the second respondent and died on 28.06.2015, leaving behind the petitioner, three sons and two daughters. Wherein one son and one daughter are married and are living separately. The second son has completed B.E. Degree. However, the petitioner claims that the family is in indigent circumstances. Hence, the petitioner submitted an application seeking compassionate appointment to the petitioner as well as to the petitioner's son namely Rajesh.

3.The respondents have rejected the said application through the impugned order stating that the claim is not feasible for consideration, since, Rules and Government Orders in force regarding compassionate appointment does not provide for consideration. The petitioner is not fulfilling the conditions of the rules and government orders.



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4. From the records, it is seen that the petitioner has submitted the representation within a period of three months. Therefore, the respondent is bound to consider her representation as per G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020. Hence, this Court is inclined to allow this Writ Petition and pass the following order.

5.The impugned order in Na.Ka.No.5130/2017/Ni3 dated 03.11.2017 is hereby quashed and the respondents are directed to consider the application of the petitioner in accordance with G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020 and if the petitioner is fulfilling the other conditions as stated in G.O.Ms.No.18, the first respondent shall grant compassionate appointment to the petitioner or son of the petitioner namely Rajesh. It is made clear either the petitioner is entitled to be considered or her son is entitled to be considered and not for both. The said exercise shall be completed within a period of eight weeks from the date of receipt of copy of this order.

6.With the above directions, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.



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Index: Yes/No

Speaking order/Non-speaking order
vkr

To

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S.SRIMATHY, J.

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