



W.P.No.23266 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **V.LAKSHMINARAYANAN**

W.P.No.23266 of 2013

and

M.P.Nos.1 & 2 of 2013

M.Karthika

... Petitioner

Vs

1. The Director General of Police,
Chennai – 600 004.

2. The Commandant,
TSP III Battalion,
Veerapuram, Avadi,
Chennai – 600 055.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records connected in Memo.Na.Ka.No.A2/15132/2013, dated 04.03.2013 of the second respondent and quash the same and consequently direct the respondents to appoint the petitioner in any one of the vacancies duly considering the petitioner's +2 qualification on compassionate ground.



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For Petitioner : Mr.A.R.Suresh
for Mr.K.Sannjay

For Respondents : Mr.V.M.Ravichandran
Special Government Pleader

ORDER

This writ petition has been filed against the impugned order dated 04.03.2013, bearing reference ந.க.எண்.அ2/15132/2013, passed by the second respondent.

2. The undisputed facts of the case are that the petitioner belongs to Aadhi Dravidar Community. She was born to M.Mahalingam and M.Kokila on 28.09.1994. The petitioner's mother passed away in a fire accident, while she was in service on 31.08.2002. Immediately, FIR was registered, however, the name of the petitioner's father was noted as “Kanikkaraj” instead of “M.Mahalingam”.



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3. This constrained the petitioner and her father to present a suit in O.S.No.420 of 2006. It is clear that the petitioner and her father are the legal representatives of the deceased M.Kokila. This suit was pending for sometime and was decreed on 09.01.2007. Thereafter, the Tahsildar issued a certificate on 22.03.2007. Hence, she made an application enclosing the relevant certificate to be appointed on compassionate grounds on 29.01.2010 and 22.02.2010. Since there was no response to the same, she addressed letters on 30.10.2012 and 20.02.2013 to the respondents herein. In the meanwhile, she also addressed a letter to the Chief Minister Special Cell on 02.11.2012.

4. The representations made by the petitioner seems to have been rejected on the ground that the petitioner had not made out an application within a period of three years, as per G.O.Ms.No.120, Labour and Employment Department dated 26.06.1995.



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5. The purpose of giving compassionate appointment is to help the family to tide over the difficulties both financially and emotionally, that the family would have undergone, due to the sudden death of an employee.

6. Here is a case, where on the death of the petitioner's mother, she was a toddler of 7 years and at that stage, she could not have made an application for appointment based on compassionate grounds. In addition to that, in the legal heirship certificate, the name of her father was typed as “Kanikkaraj” instead of “M.Mahalingam”. Therefore, this constrained the parties to raise civil dispute which ended in their favour only on 22.03.2007.

7. The petitioner belongs to Schedule Caste, Aadhi Dravidar Community. The question of back door appointment would not arise, which is the normal ground on which the compassionate appointments are denied. Further, the learned counsel for the petitioner brought to the notice of this Court that the order of the Director General of Police dated



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15.03.2023, stating pursuant to the Government Letter No.81567/Pol.XV/2012-1 dated 13.12.2012, it was decided to consider the application of the petitioner.

8. In the light of the subsequent development which had taken place ten days after the impugned order, I am inclined to set aside the order passed by the second respondent by remitting the case back to the second respondent to check whether the petitioner is eligible to be appointed on compassionate grounds, without insisting on the application not having been made within three years and thereafter pass appropriate order on merits and in accordance with law.

9. The very fact that the writ petition is allowed does not mean that the petitioner should be given an appointment on compassionate grounds. The respondent police is directed to verify the details of the writ petitioner such as caste, monthly income and current financial status. Thereafter, even today if the petitioner is in a distress condition, then her case may be considered.



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10. With the above observations and directions, the writ petition stands allowed. No cost. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/ No
Neutral Citation : Yes/No
Speaking/Non-speaking Order
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To

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Chennai – 600 004.
2. The Commandant,
TSP III Battalion,
Veerapuram, Avadi,
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V.LAKSHMINARAYANAN, J.

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