



WEB COPY



W.P.No.5683 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.5683 of 2020

P.R.Latha

...

Petitioner

/vs/

1. The Manager,
LIC of India,
CBO IV, Chennai DO-II
P & IR Department,
C-47 II Avenue, Anna Nagar Plaza,
Anna Nagar, Chennai – 600 040.

2. The Regional Manager,
LIC of India,
P & IR Department,
South Zone, LIC Building
12th Floor, Anna Salai,
Chennai – 600 002.

...

Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus to call for the records in proceedings dated 14.12.2017 in P & IR / DO II on the file of the first respondent and consequently quash the proceedings dated 30.10.2019 in Ref: SZ/P&IR/ Desk-3 on the file of the second respondent and direct the respondents to grant appointment on compassionate ground.



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For Petitioner ... Mr.V.T.Narendiran

For Respondents ... Mr.B.Deepak Narayanan

ORDER

The petitioner who is wife of the deceased R.Narayanan has filed this writ petition seeking to quash the order of the respondent which rejects the request of the petitioner to give compassionate appointment for her son.

2. The impugned order has been passed on 30.10.2019 by stating that the application of the petitioner has already been rejected on 14.12.2017. According to the respondents, the earlier order of rejection does not required any reconsideration.

3. Mr.V.T.Narendiran, the learned counsel for the petitioner, submitted that the sole reason for rejecting the appointment on compassionate ground for the petitioner's son is because the daughter of the deceased Narayanan is also employed; even though there is an unmarried daughter who is employed, she cannot continue to hold the family commitments upon herself because she will be married shortly.

4. Mr.B.Deepak Narayanan, the learned counsel for the respondents,



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submitted that the application for compassionate appointment can be considered only as per the regulations of the respondent Corporation and it says that the appointments on compassionate ground can be given only to spouse, son or unmarried daughter of the deceased, provided none of these members have been gainfully employed; in the case on hand, the unmarried daughter of the deceased was in employment even at the time when he died; so citing the said reason, the application of the petitioner seeking compassionate appointment to her son was rejected.

5. No doubt the rule says that compassionate appointment cannot be given in case an unmarried daughter of the deceased employee is gainfully employed. It might be true that the unmarried daughter would get married shortly and thereafter the petitioner's family would face trouble. However, the son of deceased was grown up and he is said to be 25 years even at the time of death of his father and remains unemployed. Though compassionate appointment is one way of getting employment in the event of father and mother died while in service, one cannot expect the compassionate appointment alone as the future.

6. Even according to the submission of the learned counsel for the



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petitioner, the daughter of the deceased still remains unmarried and she is supporting the family. It is submitted by the learned counsel for the respondent that the petitioner's family has been settled with a sum of Rs.58,00,000/- which is the terminal benefits of the deceased. In such case, it only lies within the discretion of the respondents to consider the family circumstances of the petitioner in view of the ensuing change in the family dimension of the petitioner.

7. It is up to the petitioner to give a fresh representation to the respondents and the respondents shall consider the same on its own merits and pass orders within a period of six weeks from the date of receipt of the representation to be given by the petitioner.

8. With the above observation, this Writ Petition is disposed of. No costs.

14.12.2023

Index: Yes / No
Speaking order / Non-speaking order
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