



W.P.No.7341 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.7341 of 2013

K.Arumbu

.... Petitioner

Vs

1. Government of Tamil Nadu,
Rep. by Secretary to Government,
Public (Ex-Servicemen) Department,
Secretariat, Chennai.

2. Directorate of Ex-Servicemen Welfare Board,
Rep. by its Joint Director,
No.22, Raja Muthiah Salai,
Chennai – 600 003.

3. Assistant Director of Ex-Servicemen Welfare,
Ex-Servicemen Welfare Board,
39, Manthoppu Street,
Villupuram – 605 602.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records from the 2nd respondents relating to the orders dated 04.03.2013 bearing reference Rc.No.20457/2012/C1 and all related proceedings and quash the same as the same being illegal, arbitrary, unconstitutional and



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consequently direct the respondents 1 and 3 to positively consider the petitioners representation dated 29.03.2012 and 26.03.2012 by issuing necessary certificate in terms of G.O.Ms.No.1161 (Personnel & Administrative Reforms (Personnel-R) Department dated 22.11.1984 and such other Government orders more particularly to one of her sons living with her as per the dependents certificate issued by Army on 19.06.2010 in order to enable them to get job on compassionate ground and other benefits in Government and other organization on priority basis meant for the purpose of dependents/wards of the Ex-servicemen within a time frame in order to enable the beneficiaries to claim the benefits immediately.

For Petitioner : Mr.R.Raja
for Mr.S.Saravana Kumar

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

This writ petition has been filed challenging the order dated 04.03.2013 in Rc.No.20457/2012/C1 passed by the second respondent, thereby rejecting the request for compassionate appointment to the petitioner's son.

2. The petitioner's husband joined Indian Army in the



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year 1985. At the time of his retirement, he was working in the Transit Camp in Jammu. On 15.05.2010, the Wing Commander sanctioned leave to her husband from 25.05.2010 to 16.06.2010. Unfortunately, on the way to home he fell sick and he died in the Government General Hospital, Chennai, leaving the petitioner and his children. He was a sole breadwinner of the family and as such, after his demise, there was a massive set back to her family. Therefore, she sought for compassionate appointment on the plight of the Ex-Servicemen and their dependents, the Government has announced several schemes to help the dependents vide G.O.Ms.No.1161 dated 22.11.1984.

3. The learned counsel appearing for the petitioner would submit that her husband joined Indian Army with a noble intention to serve the Nation. The Defence Security Corps are covered under the Army Rules 1954. Therefore, there is no justification for the respondents to state that her husband is not an Ex-Servicemen. The very purpose of the second respondent is to look after the welfare of the Army personnel, instead of extending helping hands to her family to come out of the



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difficulties due the untimely death of the petitioner's husband, who served for the Nation.

4. On perusal of the counter filed by the respondents revealed that the petitioner's husband was served in the Defence Security Corps, which is not a regular Army and the Government of India have not given the Status of Ex-Servicemen, those who have served in the Defence Security Corps, Mill Road, Kannur, Kerala, which is not under Armed Forces. Her husband was enrolled in the Defence Security Corps on 19.05.2000 and died on 25.10.2010 due to his illness. Therefore, the petitioner had requested to issue priority certificate for her son and also appointment on the ground of compassionate appointment. Therefore, the petitioner's husband was not considered as Ex-Servicemen as per G.O.Ms.No.393, Public (Ex-Servicemen) Department, dated 03.03.1988, which is actually the adaption of the orders of the Government of India as per the O.M.39016/10/79-Estt(c) of Ministry of Home Affairs, Department of Personnel and Administrative Reforms, dated 15.12.1979. Accordingly, the Defence Security Corps is excluded from the regular



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Army and in terms of Ex-Servicemen to the Ex-Defence Security Corps personnel.

5. Therefore, the request made by the petitioner was rightly rejected by the second respondent and this Court finds no infirmity or illegal in the order dated 04.03.2013 bearing reference Rc.No.20457/2012/C1, passed by the second respondent. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

04.07.2023

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

G.K.ILANTHIRAIYAN, J.



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To

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2. Directorate of Ex-Servicemen Welfare Board,
Rep. by its Joint Director,
No.22, Raja Muthiah Salai,
Chennai – 600 003.
3. Assistant Director of Ex-Servicemen Welfare,
Ex-Servicemen Welfare Board,
39, Manthoppu Street,
Villupuram – 605 602.
4. The Public Prosecutor,
High Court, Madras.

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