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W.P.No.11730 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2023

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P.No.11730 of 2021

C.Veerapathiran

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep by its Secretary,
Social Welfare and Nutritious Meal Department,
Secretariat, Chennai - 9.
- 2.The Director,
Directorate of Integrated Child Development Services,
Taramani, Chennai 113.
- 3.The District Collector,
Tiruvarur District,
Tamil Nadu,
- 4.The District Project Officer (ICDS),
Integrated Child Development Services,
Office of the District Collector,
Tiruvarur.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in letter Na.Ka.No.1172/A1/2016 dated 17.11.2017 and 18.01.2021 passed by the fourth respondent and quash the same and consequently, direct the respondents to give compassionate



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appointment to the petitioner in the place of his mother Late S.Anjammal, who died in harness on 23.05.2015 in the light of the Labour and Welfare Department in G.O.Ms.No.18 dated 23.01.2020.

For Petitioner : Ms.Sangeetha Rajkumar
For Respondents : Mr.G.Nanmaran, SGP

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in letter Na.Ka.No.1172/A1/2016 dated 17.11.2017 and 18.01.2021 passed by the fourth respondent and quash the same and consequently, direct the respondents to give compassionate appointment to the petitioner in the place of his mother Late S.Anjammal, who died in harness on 23.05.2015 in the light of the Labour and Welfare Department in G.O.Ms.No.18 dated 23.01.2020.

2. Heard Ms.Sangeetha Rajkumar, learned counsel for the petitioner and Mr.G.Nanmaran, learned Special Government Pleader for the respondents.

3. The petitioner who is the son of the deceased S.Anjammal has



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filed this Writ Petition challenging the impugned order and seeking direction to the respondents to give compassionate appointment to the petitioner in view of the death of his mother S.Anjammal who died in harness. The petitioner has got brother and sister, but they have given no objection to consider the petitioner's name for compassionate appointment.

4. The learned counsel for the petitioner submitted that in compassionate appointments, there is no discrimination between son and daughter of the deceased Anganwadi Worker and whoever is willing and for whose appointment, the other siblings have no objection, can be considered. In the impugned order, it is stated that the legal opinion has to be sought, since S.Anjammal has a daughter and the son has applied for compassionate appointment.

5. The learned Special Government Pleader appearing for the respondents submitted that as per G.O.Ms.No.198, Social Welfare and Nutritious Meal Programme Department, dated 25.10.2007, only female legal heir of the deceased employee working in Integrated Child



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Development Service is entitled for compassionate appointment.

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6. On perusal of the said Government Order, it is seen that if any of the employees of Integrated Child Development Service dies, the female legal heir of the said employee can be considered for appointment on compassionate ground. If there is no female legal heir, the male legal heir of the family can be considered for compassionate appointment. In the instant case, the deceased S.Anjammal had both male and female legal heir. But the female legal heir did not opt to get herself appointed on compassionate grounds as she has already been married and living a happy life.

7. The only reason for which the petitioner's appointment was not considered and the impugned order was passed is that G.O.Ms.No.198 dated 25.10.2007 does not state anything specific about the situation in hand. Only in this regard, the fourth respondent wanted a clarification.

8. But strangely, the impugned order has been addressed to the



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petitioner and marked to District Collector. How an opinion be sought from an individual in connection with a policy matter of the Government or any clarification in interpreting the Government Order. Even if any clarification is required for the fourth respondent, he could have only directly got it from the second respondent.

9. Though the Government Order says that only in the absence of the female legal heir, the compassionate appointment can be given to the male legal heir, that can also be interpreted in the event of refusal of the female legal heir, the male legal heir can be considered for appointment. The whole object of the scheme is that the deceased employee's family should not suffer from poverty and the death of the bread winner of the family should not affect the servant's dependants' future. It could have been a different matter if the female legal heir of S.Anjammal did not give her no objection and claimed that she only is eligible for appointment. The female legal heir of the deceased herself has stated that she is not willing to accept the appointment. In such a case, the second and fourth respondent could have made direct enquiry with the daughter of the deceased and got her statement recorded and then proceed to process the



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papers for providing appointment to the petitioner who is the next option in the family.

10. In view of the above stated reasons, this Writ Petition is allowed and the impugned order in letter Na.Ka.No.1172/A1/2016 dated 17.11.2017 and 18.01.2021 passed by the fourth respondent is set aside and the respondents are directed to consider the claim of the petitioner seeking compassionate appointment after making a direct enquiry with the daughter of the deceased and got her statement recorded. No costs.

15.12.2023

Index : Yes
Internet : Yes/No
gsk

To

1.The Secretary,

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Social Welfare and Nutritious Meal Department,
Secretariat, Chennai - 9.

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R.N.MANJULA, J.

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