



W.A.No.961 of 2018

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MRS.K.GOVINDARAJAN THILAKAVADI

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D.Saraswathy

...Appellant

Vs.

1.The District Collector,
Viluppuram, Viluppuram District.

2.Child Welfare Scheme Officer,
Udayarnatham, Kanai, Viluppuram District.

3.The District Scheme Office,
Integrated Child Improvement Scheme,
Viluppuram, Viluppuram District.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order made in W.P.No.2563 of 2018 dated 06.02.2018.

For Appellant : Mr.Agilesh

For Respondents : Mr.G.Nanmaran

Special Government Pleader



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J U D G M E N T

WEB COPY (Judgment of the Court was made by R.SUBRAMANIAN, J.)

The appellant is aggrieved by the order of the Writ Court, dismissing her Writ Petition in W.P.No.2563 of 2018, the challenge in which was to the order of the 3rd respondent dated 11.09.2017, rejecting her request seeking compassionate appointment.

2.The appellant's mother, who was working as an Assistant Cook under the Puratchi Thalaivar Dr.M.G.Ramachandran noon-meal scheme died in harness on 26.01.2014. Claiming that she has sought for compassionate appointment on 05.06.2014 and had not heard from the respondents, she had made another application on 07.08.2017. The application dated 07.08.2017 was rejected by the 3rd respondent mainly on the ground that it has been filed three years after the death of her mother, who was working as an Assistant Cook under the noon-meal scheme.

3.The Writ Court while concluding that the rejection of the application on the ground that it has filed beyond three years is incorrect,



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however, the dismissed the Writ Petition, on the ground, she being a married daughter will not be entitled to compassionate appointment.

4.Mr.Agilesh, learned counsel appearing for the appellant would vehemently contend that the rejection on the ground of marital status is incorrect and the Hon'ble Supreme Court had struck down a rule framed by the Karnataka Government, which disqualified married daughters from seeking compassionate appointment. For this purpose, he would rely upon the judgment of the Hon'ble Supreme Court in **State of Karnataka and Others Vs. C.N.Apporva Shree and Another** dated **17.12.2021** made in **S.L.P(Civil) No.20166 of 2021**. Drawing our attention to the said judgment, the learned counsel would contend that the Hon'ble Supreme Court had upheld the judgment of the Karnataka High Court in **Bhuvaneshwari V.Purani Vs. State of Karnataka** wherein, the Karnataka High Court had struck down the rule which disqualified the married daughters from seeking compassionate appointment. It will be pertinent to point out that only women are eligible for appointment as assistants and cooks under the scheme.



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5. On the question of delay, the learned counsel would submit that originally an application was filed on 05.06.2014. The appellant did not deem it fit to take an acknowledgment. He would buttress the said submission pointing out that the appellant has obtained No Objection Certificate from her sister, who is in Puducherry, on 19.06.2014.

6. Contending contra, Mr. G. Nanmaran, learned Special Government Pleader would submit that even assuming that the married daughters would be entitled to compassionate appointment, the appellant having applied after three years cannot be granted the benefit. We have considered the submissions of the learned counsel for the parties.

7. Puratchi Thalaivar Dr. M. G. Ramachandran Noon-meal Scheme is governed by a separate set of rules. The scheme for compassionate appointment was introduced in the said scheme by Government Letter No. 910 dated 03.11.1992 wherein, a provision was made for compassionate appointment for Cooks working under the scheme. Subsequently, by



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G.O.Ms.No.215 dated 08.09.1998, the scheme for compassionate appointment was extended to Assistant Cooks working under the scheme.

Neither the letter dated 03.11.1992, nor the G.O.Ms.215 dated 08.09.1998 prescribed a period of limitation for seeking compassionate appointment. Therefore, the contention of the learned Government Pleader that the time limit of three years would apply cannot be countenanced. The Writ Court also rightly rejected the said contention. The Writ Court however, concluded that the appellant being a married daughter would not be entitled to compassionate appointment.

9.As we had already pointed out, the Hon'ble Supreme Court in **State of Karnataka and Others Vs. C.N.Apporva Shree and Another** upheld the view of the Karnataka High Court regarding eligibility of the married daughter to a job on compassionate grounds. The Karnataka High Court in *Bhuvaneswari V.Purani -Vs- State of Karnataka* had struck down the rule, which disqualified the married daughters from seeking compassionate appointment.

10.In view of the said pronouncement of the Hon'ble Supreme Court, confirming the judgment of the Karnataka High Court, we do not



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think that rejection of the application of the appellant for compassionate appointment on the ground that she is a married daughter can be upheld.

We are therefore, forced to interfere with the conclusion of the Writ Court. The order of the Writ Court will stand set aside, the Writ Petition will stand allowed. No costs.

12.It is seen that the appellant was born on 15.04.1985. As of today she is 38 years old. Considering the pendency of the Writ Petition and Writ Appeal, there will be a direction to the respondents to accommodate the appellant in a suitable job commensurate with her qualification under the scheme by granting necessary relaxation of the age limit, if any applicable. The respondents will do well to accommodate the appellant within a period of four months from the date of receipt of a copy of this order.

(R.S.M.,J.) (K.G.T.,J.)
21.02.2023

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Internet:Yes/No
Index:Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No



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To:-

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and
K.GOVINDARAJAN THILAKAVADI, J.

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