



WEB COPY



W.P No.10778 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2023

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.10778 of 2020

I.Maheshwari

... Petitioner

Vs.

1.The Manager,
The Pondicherry Co-operative Whole
Sales Stores Ltd., No.P.44,
No.288, Mahatma Gandhi Road,
Puducherry 605 001.

2.Radjame @ Kasthuri

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the letter in Ref.No.PCWS/Estt./A/2516/97-98 dated 08.03.2019, on the file of the first respondent and to quash the same and direct the first respondent to consider the name of the petitioner for her appointment on compassionate ground without insisting on the No Objection Certificate from the second respondent, within a time frame as may be fixed by this Court.

For Petitioner : Ms.Elizabeth Ravi

For Respondents : Mr.Vignesh Imayavaramban for R1
No appearance for R2



W.P No.10778 of 2020

ORDER

This Writ Petition has been filed seeking issuance of Writ of Certiorarified Mandamus to call for the records relating to the letter in Ref.No.PCWS/Estt./A/2516/97-98 dated 08.03.2019, on the file of the first respondent and to quash the same and direct the first respondent to consider the name of the petitioner for her appointment on compassionate ground without insisting on the No Objection Certificate from the second respondent, within a time frame as may be fixed by this Court.

2. Heard Ms.Elizabeth Ravi, learned counsel for the petitioner and Mr.Vignesh Imayavaramban, learned counsel appearing for R1.

3. The facts of case in brief are as follows:

The petitioner's husband by name Ilandjegiane was working as a Joint Cashier at Tirukkanur Bar of Amudhasurabhi Co-operative Super Market, a unit of the first respondent and he died on 22.02.2015, while he was in service. The petitioner and her minor daughter Anushka and her mother-in-law are the only legal heirs of the deceased Ilandjegiane. In this regard, the petitioner has also filed a Suit in O.S.No.1818 of 2015



W.P No.10778 of 2020

for seeking declaration that the petitioner, her minor daughter along with the second respondent are the legal heirs of the deceased husband Ilandjegiane. When the petitioner sought appointment under compassionate appointment scheme, she was informed through the first respondent's letter dated 08.03.2019 that her application should be considered only if she could get No Objection Certificate from the second respondent and submit it to the first respondent.

4. The petitioner was forced to file a suit in O.S.No.1818 of 2015, just because she had some misunderstanding with the second respondent and her status as the wife of the deceased Ilandjegiane has also been upheld by the judgment of the II Additional District Munsif Court, Puducherry in O.S.No.1818 of 2015. Further, the petitioner and her minor daughter and the second respondent alone are the legal heirs of the deceased. Admittedly, the second respondent is now 67 years old and at any cause, she cannot compete with the petitioner for seeking compassionate appointment on the ground that she is also a family member of the deceased employee. The one and only otherwise eligible



W.P No.10778 of 2020

person for consideration under compassionate appointment scheme would be the petitioner alone.

5. Since she was forced to obtain No Objection Certificate which cannot be obtained by her in view of the strained relationship between herself and the second respondent, the first respondent shall not insist the first petitioner to produce No objection Certificate in the above manner. Hence the first respondent is directed to consider the application of the petitioner and pass appropriate orders.

6. With these observations, this Writ Petition is disposed and the first respondent is directed to consider the application of the petitioner and pass appropriate orders. No costs.

05.10.2023

Index : Yes
Internet : Yes/No
gsk



WEB COPY



W.P No.10778 of 2020

To
The Manager,
The Pondicherry Co-operative Whole
Sales Stores Ltd., No.P.44,
No.288, Mahatma Gandhi Road,
Puducherry 605 001.



WEB COPY



W.P No.10778 of 2020

R.N.MANJULA, J.

gsk

W.P No.10778 of 2020

05.10.2023