



WEB COPY



W.P.No.16553 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.16553 of 2022
and
W.M.P.No.15837 of 2022

D.Karpagam

... Petitioner

Vs.

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The Commissioner,
Chengam Panchayat Union,
Chengam, Thiruvannamalai District.

3.The Block Development Officer,
Chengam Panchayat Union,
Chengam, Thiruvannamalai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.VaA4/0019/2022, dated 30.03.2022, and quash the same and to consequently direct the respondents to appoint the petitioner on compassionate grounds in the 2nd respondent Panchayat Union or any Government Department.



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For Petitioner : Mr.C.Prakasam
For R1 : Mr.P.Baladhandayutham
Special Government Pleader
For R2 and R3 : No appearance

ORDER

This writ petition has been filed challenging the proceedings of the 2nd respondent, dated 30.03.2022, directing the petitioner to furnish the “No Objection Certificate” from her mother-in-law for the purpose of processing her request for compassionate appointment.

2.It is the case of the petitioner that the petitioner's husband died in harness on 14.05.2021 due to Covid-19 attack. Thereafter, the petitioner submitted her application for compassionate appointment and for Covid-19 incentive. While so, now, the 2nd respondent has passed the impugned order directing the petitioner to produce the “No Objection Certificate” obtained from her mother-in-law in order to process the petitioner's application for compassionate appointment, challenging which, the present writ petition has been filed.



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3.Heard the learned counsel for the petitioner.

4.Mr.P.Baladhandayutham, learned Special Government Pleader, appearing for the 1st respondent, submitted that a person seeking compassionate appointment should give an undertaking that he/she will take care of the other legal heirs of the deceased employee, including elderly family members, as per G.O.(Ms) No.18, Labour and Employment (Q1) Department, dated 23.01.2020, however, such an undertaking is not given by the petitioner and therefore, in order to avoid any future conflicts from the side of mother of the deceased employee, the impugned order has been passed. The learned Special Government Pleader further submitted that the Covid-19 Incentive of Rs.12.5 Lakhs each has been paid to the petitioner as well the mother of the deceased. This fact is not disputed by the learned counsel for the petitioner before this Court.

5.In view of the submissions made by the learned Special Government Pleader and also considering the fact that the application for compassionate appointment has been filed in time, the petitioner may give an undertaking affidavit before the authorities that she will maintain her



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mother-in-law, as required under G.O.(Ms) No.18, Labour and Employment (Q1) Department, dated 23.01.2020, within a period of one month. On such undertaking being given by the petitioner, the respondents may consider the case of the petitioner for compassionate appointment and may appoint her in a suitable post.

6.Accordingly, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

07.08.2023
(2/2)

mkn

Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

- 1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
- 2.The Commissioner,
Chengam Panchayat Union,
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N. SATHISH KUMAR, J.
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