



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2023

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THE HON'BLE Mr. JUSTICE **C. V. KARTHIKEYAN**

W.P.No.16559 of 2019

and

W.M.P.Nos.16194 & 16196 of 2019

P. Venkatammal

.. Petitioner

Vs.

1.The Chairman & Managing Director

Tamil Nadu Small Industries Development Corporation Limited

Thiru-Vi-Ka Industrial Estate

Guindy

Chennai – 600 032.

2.The Branch Manager

Tamil Nadu Small Industries Development Corporation Limited

Vellore.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in R.C.No.475/A2/2017 dated 30.01.2017 and quash the same and consequently direct the respondents to appoint the petitioner as a Sweeper on compassionate ground on regular basis from the date of her initial appointment with all attendant monetary and service benefits.



For Petitioner .. Ms.Dakshayani Reddy, Senior Counsel
For Ms. Suneetha, Advocate

For Respondents .. Mr. A. Nagarajan, Standing Counsel

ORDER

This Writ Petition has been filed in the nature of Certiorarified Mandamus seeking records of the 1st respondent, the Chairman & Managing Director, Tamil Nadu Small Industries Development Corporation Limited at Chennai in R.C.No.475/A2/2017 dated 30.01.2017 and quash the same and direct the respondents to appoint the petitioner as Sweeper on compassionate ground on regular basis, from the date of her initial appointment with all attendant monetary benefits.

2.The petitioner is the daughter of Obulammal. Her mother Obulammal was working as sweeper in the respondent Corporation. She unfortunately died on 24.12.1996 leaving behind the petitioner, another daughter and son as legal representatives. The petitioner had then applied for employment on compassionate basis to the job of her mother. Her application was rejected by the impugned order dated 30.01.2017. Let me



extract the reasons in the words of the respondents themselves:

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“The attention of the Branch Manager, Vellore is drawn to the reference cited, Tmt. P. Venkatammal, D/o. Tmt. P. Obulammal, Sweeper, O/o. the B. M. Vellore was a married woman and her age was 26 as on March 1997 as per Tahsildar Certificate and her husband expired on 14.09.2001 and the date of death of Tmt. P. Obulammal was 24.12.1996 and at the time of death of Tmt. P. Obulammal, the husband of Tmt. P. Venkatammal was alive, therefore, the request of the applicant cannot be considered as the married daughter of the deceased employee are not eligible to get appointment on compassionate grounds as per G.O.Ms.No.1263 Labour dated 23.05.1980 as approved by Chairman and Managing Director on 05.10.2009 in file no.7820/A3/2009.”

3.A perusal of the same shows that the primary reason on which the application of the petitioner was rejected was that, she was the married daughter of the deceased employee. Reliance had been placed on the Government order in G.O.Ms.No.1263 Labour dated 23.05.1980. This particular Government order appears to have been approved by the Chairman and Managing Director on 05.10.2009 in File No.7820/A3/2009.



4. There was a subsequent event which had occurred and the son who is one of the legal representatives, who is the brother of the petitioner herein come forward by claiming right to seek compassionate employment. He had given an affidavit to the respondents on 13.11.2014. One of the primary ground on which, compassionate appointment can be granted is that the application must be given within a period of three years from the date of death of Government employee. Since the brother of the petitioner herein had applied well pass the said period of three years, the respondents can never taken into consideration that particular application.

5. The reason given that the petitioner was married, does not take the respondents anywhere. In fact, it puts them in bad light. The petitioner is the daughter of Obulammal. She must be thankful that the respondents have not denied that particular fact. As daughter, whether married or unmarried, she still remains a daughter of her mother. She has every right to claim compassionate appointment provided she had applied within the time stipulated for such application.



6. The learned Senior Counsel on behalf of the petitioner further stated that the petitioner had actually been working on daily basis from the date of death of the mother. This fact is countered by the learned Standing Counsel for the respondents by stating that the petitioner was working not on direct employment with the respondents, but through an agent.

7. The fact remain that the said agent had recognized that, as a daughter, the petitioner would be a fit person to continue the work, which was discharged by her mother. When the agency had recognized such appointment, I am not able to understand why the respondents have refused to recognize the petitioner. The shield taken under the application of the son is rejected by me.

8. The reason given that the petitioner is married, does not hold water and cannot be considered by this Court and I would state that though married or unmarried, the daughter is entitled to the rights, of her mother. The petitioner claims compassionate appointment for the job, in which her mother was employed namely, sweeper in the respondents office.



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9. There has been a further subsequent event which has turned around in the life of the petitioner in that she has also lost her husband and among the documents filed along with the writ petition, there is a Certificate of Widow, which certificate had been issued by the Tahsildar, Katpadi, Vellore District.

10. This is all the more reason why the application should be recognized and the petitioner should be granted employment on regular basis.

11. It is contended by the learned Senior Counsel that the petitioner is still employed on daily basis. That should change. She should be considered as being in regular employment from the date of the death of her mother i.e., 24.12.1996. The respondents are directed to issue necessary proceedings bringing the petitioner herein into the regular service of the respondents Corporation and necessary emoluments and benefits should be extended to her, within a period of twelve weeks from the date of receipt of a copy of this order.



WEB COPY 12. With the above observations, this Writ Petition stands allowed.

No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

26.07.2023

Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking order: Yes/No
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To

1. The Chairman & Managing Director
Tamil Nadu Small Industries Development Corporation Limited
Thiru-Vi-Ka Industrial Estate
Guindy
Chennai – 600 032.

2. The Branch Manager
Tamil Nadu Small Industries Development Corporation Limited
Vellore.



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C.V.KARTHIKEYAN,J.

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