



W.P.No.23761 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.23761 of 2014

B.Mariammal

...Petitioner

-Vs-

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of Rural Development
and Panchayat,
St. Fort George,
Chennai – 600 009.
2. The District Collector,
Tiruvallur District,
Tiruvallur – 602 001.
3. The Personal Assistant to
Collector, Development,
Office of the Collectorate,
Tiruvallur – 602 001,
Tiruvallur District.
4. The Commissioner of
Rural Development,
Panagal Building,
Saidapet,
Chennai – 600 015.
5. The Project Director,



W.P.No.23761 of 2014

WEB COPY

Rural Development and
Panchayat raj,
Office of the Collectorate,
Tiruvallur – 602 001.
Tiruvallur District.

6. The Block Development Officer/
Commissioner,
Kadambattur Panchayat Union,
Tiruvallur – 602 001.
Tiruvallur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the second respondent in Na.Ka.No.7288/2014/pa.aa 3 dated 04.06.2014, and quash the same and consequently direct the second respondent to provide employment to the petitioner on compassionate ground.

For Petitioner : Mr.P.Pon Gowtham Kumar
for Mr.R.Lakshmi Narasimhan

For Respondents : Mr.V.Veluchamy
Additional Government Pleader

ORDER

This writ petition has been filed as against the order passed by the second respondent dated 04.06.2014, thereby rejecting the request made by the petitioner seeking employment on compassionate ground.



W.P.No.23761 of 2014

2. The petitioner's husband was appointed in Rural Development Department by the second respondent on 15.07.2003, as Junior Assistant in Kadambattur Panchayat Union Office, on temporary basis. Unfortunately, while he was in service, he met with train accident in between Tiruvallur railway station and Agatour railway station and died on the spot, leaving behind his legal heirs viz., the petitioner and three minor children and his mother.

3. Therefore, the petitioner submitted her representation sought for employment to her based on the compassionate ground. However, it was rejected on the ground that the deceased husband was working on temporary basis as Junior Assistant and as such on his demise the compassionate ground appointment is not available. Hence, the petitioner filed this present petition with the above prayer.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. On perusal of the counter filed by the second respondent



W.P.No.23761 of 2014

revealed that admittedly the petitioner's husband was appointed on temporary and on contract basis as Junior Assistant at Kadambathur Panchayat Union, Thiruvallur District. As per G.O.Ms.Nos.84 & 85 dated 04.07.2003, some persons including the petitioner's husband were appointed as temporary employees on contract basis to work as Assistants in the department of Secretariat and as Junior Assistant in Districts on consolidated pay.

6. Thereafter, in G.O.Ms.No.155, Personal and Administrative Reforms (P) Department dated 19.09.2006, orders have been issued to conduct a special competitive examination in group IV standard by the Tamil Nadu Public Service Commission to the above contract employees continuing in service as Assistants in the department of Secretariat and as Junior Assistant in the Districts, so as to absorb them as Junior Assistant in the Tamil Nadu Ministerial Service/Tamil Nadu Judicial Ministerial Service.

7. However, the petitioner's husband had not appeared in the above mentioned examination and continued to remain as temporary



W.P.No.23761 of 2014

employee till his demise. Therefore, the request made by the petitioner rightly rejected by the second respondent. This Court finds no infirmity or illegality in the order passed by the second respondent and the writ petition is devoid of merits and liable to be dismissed.

8. Accordingly, the Writ Petition stands dismissed. There shall be no order as to cost.

28.07.2023

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts

To

1. The Secretary
State of Tamil Nadu,
Department of Rural Development
and Panchayat,
St. Fort George,
Chennai – 600 009.



WEB COPY



W.P.No.23761 of 2014

G.K.ILANTHIRAIYAN. J.

rts

2. The District Collector,
Tiruvallur District,
Tiruvallur – 602 001.
3. The Personal Assistant to
Collector, Development,
Office of the Collectorate,
Tiruvallur – 602 001,
Tiruvallur District.
4. The Commissioner of
Rural Development,
Panagal Building,
Saidapet,
Chennai – 600 015.
5. The Project Director,
Rural Development and
Panchayat raj,
Office of the Collectorate,
Tiruvallur – 602 001.
Tiruvallur District.
6. The Block Development Officer/
Commissioner,
Kadambattur Panchayat Union,
Tiruvallur – 602 001.
Tiruvallur District.

W.P.No.23761 of 2014

28.07.2023