



WEB COPY



WP.No.26147 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2023

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.26147 of 2021

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Petitioner

/vs/

The Deputy Director,
Public Health Services,
Omalur Main Road, Salem-1.

...

Respondent

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of CERTIORARIFIED MANDAMUS calling for records relating to the impugned order in moo.mu. No.45705/Pa Tho 4/2019/Eru.3 dated 11.06.2019 on the file of the respondent and quash the same and consequently direct the respondent to incorporate the name petitioners of petitioner's son Aravinda Rahul in the petitioner's place for appointment on compassionate ground.

For Petitioner : Mr.S.Arokiamaniraj

For Respondent : Mr.T.Chezhiyan,
Additional Government Pleader



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ORDER

The petitioner who is the wife of the deceased government employee by name Asokan has filed this Writ Petition by seeking a direction to grant compassionate appointment for her son Aravinda Rahul by setting aside the respondent's impugned order dated 11.06.2019 in moo.mu. No.45705/Pa Tho 4/2019/ Eru.3.

2. Heard, Mr. S.Arokiamaniraj, learned counsel for the petitioner and Mr.T.Chezhiyan, learned Additional Government Pleader for the respondent and perused the materials available on record.

3. The petitioner's husband who was working as a male Nurse Assistant in the Public Health Department, Salem, was found to be medically invalidated and on that ground, he was invalidated from service on 24.01.2011. The said Asokan died on 19.10.2016. As on 24.01.2011, when Asokan was invalidated, the petitioner who is his wife was 42 years old and had sought an appointment on compassionate grounds. However, her seniority was listed in serial No.726A and it did not reach so far.



4. Now she has crossed 52 years and offering employment to her at this age of 52 will not be of any help. Hence, the petitioner had applied to include her son Aravinda Raghul in the place of the petitioner for the appointment on compassionate grounds. But the said request was rejected by stating that there is no government rules in place to consider two persons for seeking one appointment. But this is not two persons seeking one appointment, but one person who is the wife of the deceased employee who has been making representation for 12 years. As she has almost crossed the age of eligibility for an appointment, she prepared to substitute her son to get the benefits.

5. Since the inordinate delay is the reason for submitting the son of the petitioner for compassionate appointment, the petitioner can not be blamed. As per the compassionate appointment scheme any one of the invalidated/ deceased government employee can seek an employment. The petitioner does not seek any appointment for herself and also her son. In view of the extraneous circumstance that has arisen, decades after her submission of the application, she had given this fresh request. Hence the respondent can consider the request of the petitioner as an only one request and can consider and pass orders within a period of six weeks from the date of receipt of copy of this order.



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R.N.MANJULA, J.

jrs

With the above direction, this Writ petition is **disposed**. No costs.

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Index : Yes

Internet : Yes/No

jrs

To

The Deputy Director,
Public Health Services,
Omalur Main Road, Salem-1.

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