



WEB COPY



WA No. 2390 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2023

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Writ Appeal No. 2390 of 2022

K. Vijaya

.. Appellant

Versus

1. The General Manager (Admin)
Tamil Nadu Civil Supplies Corporation
Headquarters, Kilpauk, Chennai – 10.

2. The Regional Manager
Tamil Nadu Civil Supplies Corporation
Villupuram Division
Villupuram – 605 602

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 27.09.2022 passed in W.P. No. 38481 of 2016 on the file of this Court.

For Appellant : Mr. S.N. Ravichandran
For Respondents : Mr. S. Chandranathan

JUDGMENT

[Judgement of the Court was delivered by R.MAHADEVAN, J.]

Challenging the order dated 27.09.2022 passed by the learned Judge,
dismissing W.P. No. 38481 of 2016 filed by the appellant, the present appeal is



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2. The appellant preferred the aforesaid writ petition to call for the records pertaining to the proceedings dated 08.08.2016 in Na.Ka.No.E4/4849/2015 on the file of the second respondent, rejecting her claim for compassionate appointment.

3. According to the appellant, her father was employed as Watchman in Tamil Nadu Civil Supplies Corporation, Warehouse Building in Kallakurichi Division, Villupuram District. During the course of his employment, he died due to cardiac arrest on 19.10.2011 leaving behind the petitioner, her mother, her elder and younger brothers as his legal heirs. On the death of her father, her mother submitted an application dated 05.03.2012 seeking to appoint her elder brother on compassionate grounds. However, the application was rejected on the ground that her brother had crossed 35 years of age and therefore, he could not be given any appointment under compassionate grounds. On such rejection, the mother of the appellant has given another application on 09.12.2012 seeking to appoint the petitioner on compassionate grounds, but the same was rejected on 31.12.2013 on the ground that she is the married daughter of the deceased and ineligible for appointment on compassionate grounds. Thereafter, the appellant made a fresh representation on 17.08.2015 to the second respondent, enclosing supportive documents and



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decisions of this Court for compassionate appointment. However, the same was rejected by the second respondent, by order dated 08.08.2016. Assailing the said order of rejection of the second respondent, the appellant has filed the aforesaid writ petition before the Writ Court.

4. The learned Judge dismissed the aforesaid writ petition, by the order impugned herein, by concluding that even at the time of death of the deceased government servant, the appellant had crossed the age limit prescribed for appointment to a government post, besides she was married and therefore, the rejection of application for appointing her to any suitable post on compassionate grounds is proper.

5. The learned counsel for the appellant, at the outset, submitted that there is no bar for a married daughter to get appointment on compassionate grounds. The object with which the scheme for appointment on compassionate grounds is framed is to alleviate the sufferings of the family left behind by the deceased government servant by providing a succour by way of employment. In order to buttress this submission, the learned counsel placed reliance on the decision of the Honourable Supreme Court in the case of ***State of Karnataka vs. C.N. Apporva Shree and another*** decided on 22.03.2021 in



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S.L.P.(C).No.20166 of 2021 and submitted that even married daughters are eligible for appointment on compassionate grounds and the status of marriage of the daughter is not a disqualification. The learned counsel for the appellant therefore submitted that the conclusion of the learned Judge that a married daughter is not entitled for appointment on compassionate ground is contrary to the ratio laid down by the Honourable Supreme Court in the aforesaid case and he prayed for allowing this writ appeal.

6. On the above contentions of the learned counsel for the appellant, we have heard the learned counsel for the respondents, who submitted that the learned Judge after analyzing the materials placed before him, has rightly dismissed the writ petition, by the order impugned herein, which does not call for any interference by this Court.

7. We have also perused the materials placed on record.

8. Admittedly, on the death of the deceased Government Servant, his wife has submitted an application seeking appointment on compassionate grounds to her elder son, but it was rejected on the ground that he is over aged as on that date. Therefore, another application was submitted to accommodate



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the appellant, who is her daughter, by providing her suitable employment on compassionate grounds. However, the second respondent, in the order dated 08.08.2016, which was impugned in the writ petition, has rejected the application on the ground that even during the life time of the deceased government, the appellant got married and therefore as a married daughter, she is not entitled for appointment on compassionate grounds. This conclusion of the second respondent is legally not sustainable. It is well settled proposition of law that even married daughters are also eligible for appointment on compassionate grounds. This view was reiterated by the Honourable Supreme Court in the order dated 22.03.2021 passed in Special Leave to Appeal No. 20166 of 2021 in the case of ***The State of Karnataka and others vs. C.N.***

Apporva Shree and another wherein it was held as follows:-

"We have heard the learned counsel for the petitioner (s) and have analysed the impugned judgment. We give our full imprimatur to the reasoning of the High Court, more so, as even the rule in question relied on by the petitioner to deny a married daughter a job on compassionate grounds while permitting it to a married son, has been quashed in the judgment of the Karnataka High Court in Bhuvaneswari V. Purani v. State of Karnataka (2021) 1 AKR 444 (AIR Online 2020 Kar 2303).

The Special Leave Petition is dismissed."

In the light of the above decision of the Honourable Supreme Court, we hold that even a married daughter is entitled for appointment on compassionate



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grounds and consequently, the order dated 27.09.2022 of the learned Judge in

W.P. No. 38481 of 2016 has to be set aside.

9. Accordingly, the order dated 27.09.2022 of the learned Judge in W.P. No. 38481 of 2016 is set aside. The matter is remanded back to the respondents to consider the case of the appellant for appointing her in any suitable post on compassionate grounds, if she is otherwise eligible. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

10. With the above directions, the Writ Appeal is disposed of. No costs.

[R.M.D., J]

[M.S.Q., J]

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Index: Yes / No

Speaking order/ Non-speaking order

Neutral Citation: Yes / No

nsd/rsh



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