



W.A(MD)No.145 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 13.03.2023

CORAM :

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.A(MD)No.145 of 2022

and

CMP(MD)No.1417 of 2022

- 1.State of Tamilnadu,
Represented by its Principal Secretary,
Labour and Employment Department,
Fort St. George,
Chennai – 9.
 - 2.The Secretary,
O/o.Department of Agricultural Marketing and
Agri Business,
Pudukottai District,
Pudukottai.
- ... Appellants/Respondents
- vs.
- Ms.R.Parvathavarthini
- ... Respondent/Petitioner

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent,
against the order dated 24.08.2021 passed in W.P(MD)No.18315
of 2020.

For Appellants : Mr.P.T.Thiraviyam,
Government Advocate

For Respondent : Ms.Seeni Syed Amma for
M/s.Lajapathi Roy Associates



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JUDGMENT
(Judgment of the Court was made by
R.SUBRAMANIAN, J.)

The Government is on appeal aggrieved by the order of the Writ Court, directing provision of compassionate appointment to the writ petitioner since her mother G.Thilagam, who was working as a Supervisor in the Department of Agricultural Marketing, died on 19.08.2009, in harness. The claim for compassionate appointment by the writ petitioner was rejected since she is a married daughter. The Writ Court relying upon G.O.Ms.No.18, Labour and Employment(Q1) Department, dated 23.01.2020 wherein certain provisions have been made for compassionate appointment even to married daughters, allowed the writ petition. Hence, this writ appeal.

2. We have heard Mr.P.T.Thiraviyam, the learned Government Advocate appearing for the appellants and Ms. Seeni Syed Amma, the learned counsel appearing for the respondent.



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3. While Mr.T.Thiraviyam, the learned Government Advocate appearing for the appellant, would vehemently contend that an earlier application of the writ petitioner was rejected on the same ground and without challenging the same, the petitioner submitted an application again and obtained an order of rejection only with a view to challenge the same belatedly. He would also attempt to sustain the order on the ground that the writ petitioner, who sought for compassionate appointment, is a married daughter. We do not think that we could sustain both the contentions. The order of rejection, which is subject matter of challenge in the writ petition came to be passed on 23.10.2020 which refers to an application, dated 23.06.2017. It does not refer to any other earlier application. The sole ground on which the claim was rejected is that the writ petitioner is a married daughter. The Entitlement of married daughters to compassionate appointment is no longer *res integra* and the Hon'ble Supreme Court has affirmed the judgment of the High Court of Karnataka in **Bhuvaneshwari V. Purani v. State of Karnataka**, wherein the High Court of Karnataka, had struck down the Rule denying compassionate



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appointment to a married daughter. Therefore, the question of denying compassionate appointment to married daughters is unavailable to the employer any more. Therefore, the order impugned in the writ petition suffers the same vice of denying compassionate appointment to a married daughter and the same was rightly set aside by the Writ Court. We, therefore, do not see any reason to interfere with the order of the Writ Court.

4. The Writ Appeal, therefore, fails and it is accordingly, dismissed. The appellants will do well to consider the case of the respondent/writ petitioner at the earliest and provide her with a job on compassionate ground, within a period of six months from the date of receipt of a copy of this judgment. No costs. Connected miscellaneous petition is closed.

NCC : Yes / No
Index : Yes / No
Internet : Yes
pm

[R.S.M.,J.] & [L.V.G.,J.]
13.03.2023



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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.
pm

JUDGMENT MADE IN
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