



W.P(MD)No.3281 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3281 of 2023

N.Nagasivam

... Petitioner

Vs.

1.The Principal Secretary,
Revenue and Disaster Management Department,
State of Tamil Nadu,
Chennai-600009.

2.The District Collector,
Collector Office,
Dindigul District-624 004.

3.The Tahsildar,
Nilakottai Taluk Office,
Nilakottai 624 208.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order Na.Ka.No.10447/AA2, 2022, dated 23.12.2022 on the file of the third respondent and quash the same as illegal, consequently, directing the respondents herein to provide suitable employment to the petitioner integrated certificate No.Mu.Mu.No.9715/19/A4, dated 07.03.2019 integrated certificate for providing appointment of compassionate



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grounds and old income certificate No.S.No.1021/14 issue third respondent on the above compassionate basis are genuine to confirm that the above two certificate are genuine and direct to get the benefit contained in the certificate within a time stipulated by this Court.

For Petitioner : Party in person

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard the petitioner in person and the learned Special Government Pleader appearing for the respondents.

2. The petitioner's father Thiru.Nagendran was employed as sweeper in the Batlagundu Town Panchayat. He passed away on 19.11.2017. The petitioner applied for integrated certificate for the purpose of obtaining compassionate appointment. The petitioner was issued with such certificate on 07.03.2019. Subsequently, a communication was issued stating that since the petitioner's mother is also employed in the very same local body, the petitioner will not be entitled to appointment on compassionate ground. This communication dated 07.01.2020 addressed to the District Collector by the Executive Officer of the town panchayat was put to challenge by the writ petitioner in W.P.(MD)No.7288 of 2021. The writ petition was dismissed on



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01.03.2022. Aggrieved by the same, the petitioner filed W.A.(MD)No.620 of 2023. The Hon'ble Division Bench dismissed the writ appeal on 02.12.2022. The petitioner had earlier filed the Rev.Apl.W(MD)No.32 of 2022 and that was also dismissed on 20.04.2022. It is in these circumstances the present writ petition has been filed.

3. Since the petitioner had appeared party in person, I heard the petitioner at length. The petitioner's primary contention is that the integrated certificate dated 07.03.2019 is very much genuine. The said certificate contains as many as 8 clauses. Clause 1 states that the petitioner's father died on 19.11.2017. It is a fact. Clause 2 states that the petitioner's mother Nagoorammal is not re-married. That is also a fact. Clause 3 states that the petitioner's mother and her younger son are residing in the quarters. That is also a fact. Clause 4 states that the family of the deceased do not have any immovable or movable properties in their names. That is also a fact. Clause 5 states that the petitioner's mother is earning a sum of Rs.25,782/- per month. That is also beyond dispute. Clause 7 is that the petitioner has married one Pavithra and she is residing in Perumal Kovil street. That is also a fact. Clause 8 states that the deceased had three legal heirs namely Nagoorammal, Nagasivam & Nagaprakash. That is also a fact. The only dispute is regarding the



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employment of the petitioner. The learned Judge going by the contents of the petitioner's wedding invitation card in Paragraph No.5 of the order dated 01.03.2022 in W.P.(MD)No.7088 of 2021 noted that the petitioner is employed. In my view, from the recitals in the wedding invitation card, one cannot conclude anything. There is a popular saying that one can marry even by uttering thousand lies. There is a corresponding proverb in English "All is fair in love and war". I therefore will not doubt the genuineness of the certificate dated 07.03.2019. Be that as it may, the certificate dated 07.03.2019 has not been cancelled in the manner known to law. Therefore, the third respondent is directed to issue a certificate stating that the certificate dated 07.03.2019 was genuinely issued to the petitioner.

4. I fail to understand as to how getting such certificate will improve prospects of the petitioner. In the earlier round of litigation, it has been already held that the petitioner cannot be appointed on compassionate ground. If a member of the family of the deceased is in government employment, another member of the family cannot seek appointment on compassionate ground. Unless the petitioner succeeds in setting aside the order passed by the Hon'ble Division Bench in W.A.(MD)No.620 of 2022, his efforts to get compassionate appointment may not yield fruit.



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5. With this observation and direction to the third respondent, the writ petition is disposed of. No costs.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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