



W.P(MD)No.5722 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5722 of 2023
and
W.M.P.(MD)Nos.5328 and 5329 of 2023

V.Chitra

... Petitioner

Vs.

- 1.The State of Tamilnadu,
Rep. by its Secretary,
Department of Panchayat and Rural Development,
Secretariat, Chennai – 600 009.
- 2.The Director / Commissioner,
Directorate of Panchayat and Rural Development,
Panagal Maaligai,
4th & 5th Floor, Jennis Road,
Saidapet, Chennai.
- 3.The District Collector,
O/o. The District Collector,
Dindigul District.
- 4.The Block Development Officer,
O/o. The Block Development Officer,
Palani Taluk, Dindigul District.
- 5.The Panchayat President,
Kothaimangalam Panchayat,
Palani Taluk, Dindigul District.



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6.The Panchayat Secretary,
Kothaimangalam Panchayat,
Palani Taluk, Dindigul District.

... 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 entire records pertaining to the impugned order of the respondent No.6 dated nil which was issued by the respondent No.4 as annexure in Na.Ka.No.0440/2023/B6 dated 25.01.2023 on the file of the respondent No.4 under RTI Act and quash the same as illegal and consequently direct the respondents No.1 to 6 to appoint the petitioner as Sanitary Worker on compassionate ground with consequential benefits with the respondent No.5 Panchayat by considering her representation dated 25.02.2023 within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R3.
Mr.S.Kamaswaran,
Government Advocate for R4 to R6.

ORDER

Heard the learned counsel on either side.



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2.The petitioner belongs to scheduled caste Aruthanthiyar community. Her husband was working as sanitary worker in the fifth respondent panchayat. While in service, he passed away on 27.08.2018. The petitioner applied for being appointed on compassionate ground. Since her request was not considered, the present writ petition came to be filed.

3.The learned counsel for the petitioner relies on G.O.(Ms)No.18 Labour and Employment Department dated 23.01.2020 in support of his contention that the petitioner's case must be considered. In the fifth respondent local body, there is a vacancy. However, on account of lodging of a criminal case by the petitioner against the panchayat president, her request is not being considered. The learned counsel for the petitioner went to the extent of even saying that in order to ensure a proper working atmosphere, the petitioner is even prepared to drop further action even though she maintains that her complaint is genuine and well-founded.



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4. My attention is drawn to clause (vii) of the government order which is as follows:-

“(vii) In case the Head of the Department finds that there is no vacancy in any of his offices and none is likely to occur in the near future he should send the name and all relevant particulars to the Collector of the District in which the deceased Government servant last worked.”

It is stated by the respondents that even though technically there is a vacancy in the said post, the work of sweeper is being outsourced.

5. In that event, clause (vii) of the said government order would come into play. The third respondent is directed to take into account the aforesaid mandate set out in the government order and pass an order on the petitioner's application for appointment on compassionate grounds. Such an order will be passed by the third respondent within a period of eight weeks from the date of receipt of a copy of this order.



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6.This writ petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petitions are closed.

23.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Secretary,
Department of Panchayat and Rural Development,
Secretariat, Chennai – 600 009.
- 2.The Director / Commissioner,
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- 3.The District Collector,
O/o. The District Collector,
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- 4.The Block Development Officer,
O/o. The Block Development Officer,
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- 5.The Panchayat President,
Kothaimangalam Panchayat,
Palani Taluk, Dindigul District.
- 6.The Panchayat Secretary,
Kothaimangalam Panchayat,
Palani Taluk, Dindigul District.

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G.R.SWAMINATHAN, J.

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