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W.P.(MD)No.17442 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.17442 of 2019

Divana

... Petitioner

vs.

1.The Secretary to the Government,
Home Department,
St.George Fort, Chennai.

2.The Superintendent of Police,
Madurai District, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.B3/03752/2015, dated 26.06.2019 and set aside the same as arbitrary, illegal and without jurisdiction and consequently, to direct the respondents to appoint the petitioner on compassionate ground appointment, due to death of the petitioner's mother Karupayee (Police Constable No.650) while she was in service and provide all death and monetary benefits to the petitioner.



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For Petitioner : Mr.T.Vadivelan
For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

This writ petition is filed for issuance of a writ of Certiorarified Mandamus, to quash the impugned order, dated 26.06.2019 and consequently, to direct the respondents to appoint the petitioner on compassionate ground appointment, due to death of the petitioner's mother Karupayee (Police Constable No.650) while she was in service and provide all death and monetary benefits to the petitioner.

2. The contention of the petitioner is that she is the adopted daughter of the deceased employee, namely, Karupayee, who was working as Women Police Constable in Nagayapuram Police Station, Madurai District. The petitioner was adopted on 11.06.2014, but the deceased employee committed suicide on 21.01.2015 and at that time the



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petitioner is 16 years old. Further, the contention of the petitioner is that she has filed a suit to declare herself as the adopted daughter of the deceased employee.

3. It is seen that the petitioner has not produced any adoption deed. When the alleged deceased employee died, the petitioner was 16 years old. The deceased employee has neither entered the petitioner's name as nominee nor has declared the petitioner as adopted daughter in the service records. The employer does not have any knowledge that the petitioner is the adopted daughter of the deceased employee. Absolutely there is no evidence to prove that the petitioner is the adopted daughter of the deceased employee. Moreover, the said suit was filed after the demise of the deceased employee.

4. It is also seen that the alleged adoptive father was a military employee and he is refusing to grant no objection certificate to grant



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daughter of the deceased employee, then the appropriate remedy would be to file suit and writ is not maintainable.

7. The learned Counsel for the petitioner submitted that the husband of the deceased employee is not traceable. But that cannot be the reason to grant the compassionate appointment or the terminal benefits. The petitioner is at liberty to file a suit against the alleged adoptive father to prove that she is the adoptive daughter and that she is entitled to the 50% of the terminal benefits. Hence, the writ petition is dismissed. No costs.

Index : Yes / No

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Internet : Yes

NCC : Yes / No

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S.SRIMATHY, J

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