



W.P(MD)No.18207 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18207 of 2023

V.Thangapandi

... Petitioner

Vs.

The Tahsildar,
Nilakottai Taluka office,
Nilakottai Taluk,
Dindigul District.

... Respondent

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 of the respondent in Oo.Mu.No.5127/2023/A2 dated 03.07.2023 and quash the same and consequently direct the respondent to issue comprehensive certificate in order to apply compassionate appointment by considering the petitioner representation dated 19.12.2022.

For Petitioner : Mr.S.Atham Ali



W.P(MD)No.18207 of 2023

For Respondent : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard both sides.

2. The petitioner's father was working as SSI in the Police Department. He passed away in harness on 18.11.2022. The petitioner wants appointment on compassionate grounds. He therefore requires what is known as Comprehensive Certificate. When he approached the respondent, it was denied primarily on the ground that the petitioner's brother was already employed in Government Department. Challenging the stand of the respondent, the writ petition came to be filed.

3. The learned Additional Government Pleader appearing for the respondent submitted that the impugned order is well reasoned and it does not call for interference. He relied on Clause 3(3)(b) of G.O(Ms)No.33 Labour Welfare and Skill Development (Q1) Department dated 08.03.2023.



W.P(MD)No.18207 of 2023

WEB COPY

4. I carefully considered the rival contentions and went through the materials on record.

5. The Government has been issuing Government Orders from time to time. While the petitioner would rely on G.O(Ms)No.18 Labour and Employment (Q1) Department dated 23.01.2023, the respondent would rely on G.O(Ms)No.33 Labour Welfare and Skill Development (Q1) Department dated 08.03.2023 . But the language of both the Government Orders are in *pari materia*. In both the Government Orders it has been stated that where a member of the family is in regular employment and is living separately without providing any monetary assistance to the family that would not render the family ineligible. In the case on hand, the petitioner's brother got employment in the year 2017 itself. The petitioner's father's death took place in the year 2022. The petitioner would further state that his brother never rendered assistance to the family. He is also married. In these circumstances, denial of Comprehensive Certificate appears to be not in consonance with the aforesaid Government Orders. The impugned memorandum is set aside.



W.P(MD)No.18207 of 2023

The respondent is directed to issue Comprehensive Certificate as sought for by the petitioner.

6. This writ petition is allowed accordingly. There shall be no order as to costs.

24.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

The Tahsildar,
Nilakottai Taluka office,
Nilakottai Taluk,
Dindigul District.



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W.P(MD)No.18207 of 2023

G.R.SWAMINATHAN, J.

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W.P(MD)No.18207 of 2023

24.11.2023