



W.P.(MD).No.18876 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.18876 of 2023

R.Chilpa

... Petitioner

Vs.

1.The Commandant,
Tamil Nadu Special Police Force,
TSP XIV BIN Palani,
Dindigul District.

2.The Deputy Commandant,
Tamil Nadu Special Police Force,
TSP XIV BIN Palani,
Dindigul District.

3.The Inspector,
“A” Company,
Tamil Nadu Special Police Force,
TSP XIV BIN Palani,
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 relating to the impugned Memo in Na.Ka.No.D2/2753/2023, dated 20.06.2023 issued by the 1st respondent herein and quash the same as illegal and consequentially direct the respondents herein to provide employment to petitioner under compassionate ground by considering the



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application made by the petitioner as per the provisions and norms prescribed in Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules, 2023, within the time stipulated by this Court.

For Petitioner : Mr.M.Maria Vinolia

For Respondents : Mr.N.Muthuvijayan
Special Government Pleader

ORDER

The present writ petition has been filed to call for the entire records relating to the impugned Memo in Na.Ka.No.D2/2753/2023, dated 20.06.2023 issued by the 1st respondent herein and quash the same as illegal and consequentially direct the respondents herein to provide employment to the petitioner under compassionate ground by considering the application made by the petitioner as per the provisions and norms prescribed in Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules, 2023, within the time stipulated by this Court.

2. The petitioner's husband one M.Ajith was working as Police at “A” company, Tamil Nadu Special Police Force, TSP XIV BIN Palani, Dindigul District. While in service, he met with a road accident and died on 07.03.2023.



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He was survived by the petitioner and her minor son and his parents as legal heirs. The petitioner submitted an application seeking compassionate appointment to the respondents. After due verifications, her application was forwarded by the 2nd respondent to the 1st respondent vide proceedings, dated 16.06.2023. The 1st respondent vide memo, dated 20.06.2023 instructed to produce the No Objection Certificate from the petitioner's mother-in-law and father-in-law for considering her request for compassionate appointment. It is instructed that the said No Objection Certificate is also necessary for the purpose of disbursing CPS amount vide memo, dated 18.07.2023 by the 1st respondent. In furtherance to the same, vide memo, dated 20.06.2023, the 1st respondent communicated to the petitioner seeking to produce the No Objection Certificate from the petitioner's in-laws for the purpose of getting compassionate appointment. Challenging the same, this writ petition came to be filed.

3. Though the petitioner's husband nominated the petitioner as nominee, it is necessary for her to produce No Objection Certificate from her in-laws for the purpose of getting compassionate appointment.



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4. The petitioner has also filed an affidavit before this Court that she will not object to disburse the respective shares in the terminal benefits of her husband to her in-laws. Taking into consideration of the same, this Court directs the respondents to consider her application seeking compassionate appointment without insisting No Objection Certificate from her in-laws.

5. In view of the same, the impugned memo, dated 20.06.2023 is hereby quashed and consequently, this Court directs the respondents to provide employment to the petitioner under compassionate appointment by considering her application.

6. With the above said observations, this Writ Petition stands disposed of. No costs.

08.08.2023

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

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L.VICTORIA GOWRI, J.

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