



W.P.(MD).No.21554 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.21554 of 2023

Illakiya

... Petitioner

Vs.

1.The Secretary,
Home Department-Government of Tamil Nadu,
Secretariat,
Fort St.George,
Chennai-600 009.

2.The Director General of Police,
Chennai,

3.The Superintendent of Police,
Sivagangai District.

4.R.Vijaya

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to Provide Job to the Petitioner on compassionate ground in considering the petitioner's representation to the 3rd respondent, dated 17.08.2022.

For Petitioner : Mr.S.Ramasamy



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For R1-R3

: Mr.N.Muthuvijayan
Special Government Pleader

ORDER

The present writ petition has been filed seeking direction to the respondents 1 to 3 to Provide Job to the Petitioner on compassionate ground in considering the petitioner's representation to the 3rd respondent, dated 17.08.2022.

2. The petitioner was married with one Alex Pandi who was working as Grade I Police Constable at Armed Reserve, Sivagangai on 24.02.2022. He met with a road accident and died due to head injury. The petitioner gave a representation to the 3rd respondent on 17.08.2022 seeking appointment on compassionate ground considering her educational qualification. The said Alex Pandi was survived by the petitioner and her 2 minor female children and a mother aged about 62 years. Along with application, the petitioner has enclosed all the necessary documents including the certificate of Tahsildar, Usilampatti, dated 05.08.2022. After the application to the 3rd respondent for compassionate appointment, the 4th respondent refused to give No Objection Certificate for the petitioner's claim. That apart, she herself made an application to the 3rd



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respondent seeking compassionate appointment. Hence, left with on other option, the petitioner has filed this writ petition.

3. The learned Special Government Pleader submitted that the petitioner's mother-in-law, namely the 4th respondent herein had made an application seeking compassionate appointment on 21.05.2022 and she has also stated that she is only 47 years old as on 2022. Hence, the petitioner's application cannot be considered until and unless No Objection Certificate has been given by the 4th respondent. This Court is not inclined to accept the contention made by the learned Special Government Pleader for the reason that the petitioner is survived by 2 female children and that apart, G.O.Ms.No.18 Labour and Employment (Q1) Department, dated 23.01.2020 has mandated the maximum age limit seeking appointment on compassionate ground as 50 years. Though the 4th respondent has made an application stating her age as 47 as on 2022, the combined certificate of the Tahsildar, Usilampatti, dated 05.08.2022 and the legal heir certificate of the said Alex Pandi, dated 05.04.2022 reveals that the age of the 4th respondent is 62 years i.e., more than the maximum prescribed age of 50 years. Under such circumstances, the question of grant of No Objection Certificate by the 4th respondent need not be considered by the 3rd



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respondent. In view of the same, considering the penury suffered by the petitioner and her 2 children, this Court directs the respondents to consider the representation made by the petitioner on 17.08.2022 and provide the petitioner with an appointment order on compassionate ground considering her educational qualification. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

4. Accordingly, this Writ Petition stands allowed. No costs.

04.09.2023

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

To

1.The Secretary,
Home Department-Government of Tamil Nadu,
Secretariat,
Fort St.George,
Chennai-600 009.

2.The Director General of Police,
Chennai,

3.The Superintendent of Police,
Sivagangai District.



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L.VICTORIA GOWRI, J.

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