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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.09.2023**

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRVARTHY**

W.A(MD)NO.634 OF 2023

Kalpana :Appellant/Petitioner

.VS.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Palani Taluk,
Dindigul District.

: Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.15283 of 2021, dated 07.03.2022.

For Appellant :Mr.T.Lenin Kumar

For Respondents :Mr.S.P.Maharajan
1 and 2 Special Govt.Pleader

JUDGMENT

[Judgment of the Court was made by **S.S.SUNDAR,J.**]

This Writ Appeal is directed against the order of the learned
Single Judge dismissing the Writ Petition filed by the Writ Petitioner



in W.P(MD)No.15283 of 2021, dated 07.03.2022.

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2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The appellant filed the Writ Petition in W.P(MD)No.15283 of 2021 to quash the order passed by the second respondent, dated 10.08.2021, wherein, the appellant's application seeking compassionate appointment, was negatived.

4.The brief facts that are necessary for filing this Writ Appeal is as follows:

The appellant's father by name Karuppasamy died on 6.7.2018 when he was working as Village Assistant. Though the Writ Petitioner was a married daughter of the said Karuppasamy, it is admitted that her husband died on 14.05.2020. After the death of appellant's father on 06.07.2018, with the consent of her mother, the appellant filed an application on 29.01.2020. The said application was rejected on 10.08.2020. Challenging the same, the appellant filed the Writ Petition.



5.It is seen that the second respondent rejected the application only on the ground that the appellant is not a dependant on her father when he died and that therefore she is not eligible to seek compassionate appointment. The learned Single Judge also confirmed the order of the second respondent holding that the second respondent is right in rejecting the application on the ground that the married daughter is eligible only when she was a dependant upon the deceased Government servant.

6.The learned counsel for the appellant/Writ Petitioner relied upon the Government Order vide G.O(Ms)No.18, Labour and Employment (01)Department, dated 23.01.2020. As per the said Government Order, the married daughter of the deceased Government employee is also eligible for compassionate appointment, provided she ought to have been nominated by the wife or husband of the deceased Government servant.

7.It is to be noted that the Government provide for an undertaking given by the married daughter that she will financially support the family of the deceased Government servant. It is admitted that the appellant's husband also died on 14.05.2020. In the said circumstances, this Court is unable to find any reason to



non-suit the claim of the appellant seeking compassionate appointment. It is not the case of the respondents that the appellant had other source of income to take care of her, after the death of her husband. In such circumstances, this Court finds no reason to sustain the order of the learned Single Judge.

8. In the result, the Writ Appeal is allowed and the Writ Petition also stands allowed. The respondents are directed to consider the application of the appellant and provide her compassionate appointment, by giving her suitable job as per the rules, within a period of twelve weeks from the date of receipt of a copy of this order. In case of any difficulty for the respondents to provide compassionate appointment to the appellant within the above time, it is open to the respondents to approach this Court for extension of time. No costs.

[S.S.S.R.,J.] [D.B.C.,J.]
01.09.2023

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

To

1. The District Collector,
Dindigul District,
Dindigul.



2.The Tahsildar,
Palani Taluk,
Dindigul District.



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S.S.SUNDAR, J.
AND
D.BHARATHA CHAKRAVARTHY, J.

vsn

JUDGMENT MADE IN
W.A(MD)No.634 of 2023

01.09.2023