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W.P.(MD).No.25666 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.25666 of 2022

L.Gokelarani

... Petitioner

Vs.

- 1.The Principal Chief Engineer and
Chief Engineer General,
Public Works Department (WRO),
Public Works Department Office,
Chennai.
- 2.The Chief Engineer,
Madurai Region,
Public Works Department Office,
Tallakulam,
Madurai.
- 3.The Superintending Engineer (WRO),
Periyar Vaigai Basin Division,
Public Works Department Office,
Tallakulam,
Madurai.
- 4.The Executive Engineer (WRO),
Periyar Vaigai Basin Division,
Public Works Department Office,
Tallakulam,
Madurai.



W.P.(MD).No.25666 of 2022

5.The Assistant Executive Engineer (WRO),
Periyar Vaigai Basin Division,
Public Works Department Office,
Tallakulam,
Madurai.

6.N.Renugadevi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to appoint the petitioner as Telephone Clerk in the respondents PWD on compassionate ground as per the petitioner's representation, dated 04.08.2021.

For Petitioner	: Mr.J.Jeyakumaran
For RR 1 to 5	: Mr.N.Muthu Vijayan Special Government Pleader
For R – 6	: No appearance

ORDER

The present Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to appoint the petitioner as Telephone Clerk in the respondents Public Works Department on compassionate grounds as per the petitioner's representation, dated 04.08.2021.



W.P.(MD).No.25666 of 2022

2.Heard Mr.J.Jeyakumaran, learned counsel appearing for the petitioner and Mr.N.Muthu Vijayan, learned Special Government Pleader appearing for the respondents 1 to 5 and perused the materials available on record.

3.The petitioner's husband N.Mathan Kumar was appointed as an Irrigation Assistant by the respondent Department on 15.02.2016 and he served in the said post for more than five years. Unfortunately, he expired due to Covid-19 on 27.05.2021. N.Mathan Kumar was survived by the petitioner, his mother Renugadevi and his minor daughter Nivanya. The petitioner completed Electrical and Electronics Engineering in the year 2014. Immediately, after the demise of her husband on 04.08.2021, she approached the fifth respondent and made an application seeking compassionate appointment. The fifth respondent sent a communication on 16.09.2021 directing the petitioner to produce all the relevant documents. The petitioner duly submitted all the relevant documents on 16.02.2022. On 04.07.2022, the second respondent, on perusal of the documents submitted by the petitioner, sent a communication to the first respondent for further action. Thereafter, on 21.07.2022, the fourth respondent issued a communication stating that consideration of



W.P.(MD).No.25666 of 2022

the application of the petitioner seeking compassionate appointment is under process and advised the petitioner to wait for her turn. While so, on 27.04.2022, the sixth respondent i.e., the mother-in-law of the petitioner had sent a legal notice to the fifth respondent and requested to disburse 1/3 of the terminal benefits of the petitioner's husband and also made an objection for the compassionate appointment to the petitioner. Thereafter, the petitioner's mother-in-law filed a Writ Petition in W.P(MD)No.14308 of 2022 seeking her share in the terminal benefits of N.Mathan Kumar and the same is pending. Under such circumstances, the petitioner's application seeking compassionate appointment is kept in abeyance.

4.This Court is of the considered opinion that the mother-in-law of the petitioner being of aged 55 years, in terms of G.O.Ms.No.33, Labour Welfare and Skill Development (Q1) Department, dated 08.03.2023 maximum age for an applicant to seek compassionate appointment is 50 years, as such, there is no possibility for the petitioner's mother-in-law to seek compassionate appointment on any grounds and hence, her objection in the matter of considering the petitioner's application for compassionate appointment gains no legal significance. Hence, this Court directs the respondents 1 to 5 to



W.P.(MD).No.25666 of 2022

WEB COPY

consider the representation of the petitioner's application seeking compassionate appointment dated 04.08.2021 and negate the petitioner's mother-in-law Renuka Devi's objection and appoint the petitioner as Telephone Clerk in the sixth respondent office within a period of one month from the date of receipt of a copy of this order.

5. With the above observation, this Writ Petition is allowed.

There shall be no order as to costs.

03.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
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L.VICTORIA GOWRI, J.

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W.P.(MD)No.25666 of 2022

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