



W.P(MD)No.29156 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2023

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.29156 of 2023

and

W.M.P(MD)No.25199 of 2023

M.Hari Rama Krishnan

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Madurai.

2.The Commissioner,
Panchayat Union,
Vadipatti,
Madurai 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 records pertaining to the impugned order in Na.Ka.No. 49066/2019/Sa.U.Thi-1 dated 06.06.2023 on the file of the Respondent No.1 and quash the same as illegal and consequently to direct the respondents to provide compassionate ground appointment to the petitioner within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondents : Mr.R.Suresh Kumar
Special Government Pleader



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ORDER

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The present writ petition has been filed challenging the order passed by the 1st respondent herein, wherein the request of the petitioner for grant of compassionate appointment has been rejected.

2. According to the learned counsel appearing for the writ petitioner, the petitioner's father was employed as a Noon Meal Organizer in a Government High School and he had passed away while in service on 16.03.2019. The deceased employee's elder son, namely Hari Rama Krishnan has given a representation seeking compassionate appointment. The said request has been rejected under the impugned order, dated 06.06.2023 on the ground that only female legal heirs could be accommodated in the Noon Meal Scheme. The said order is under challenge in the present writ petition.

3. There cannot be any dispute that as per the rules applicable to the Noon Meal Scheme, only women candidates can be accommodated. In case, the deceased employee had left behind him any female legal heir, she would be entitled to seek for an employment. In the present case, though the deceased had left behind him the widow, she has not



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expressed her willingness to take up the said employment. Therefore, the elder son has made a representation seeking compassionate appointment.

4. In such an event, the decision of the 1st respondent not to issue compassionate appointment order to the writ petitioner is perfectly valid. However, the name of the writ petitioner could be considered for appointment in any other scheme where male legal heirs could be accommodated.

5. In view of the above said facts, the 1st respondent is directed to include the name of the petitioner in the seniority list maintained by him and accommodate the writ petitioner based upon his qualification and seniority under any other scheme employment.

6. With the above said observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

11.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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Order made in
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