



WP.No.870 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.04.2024

Coram:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P. No.870 of 2022

R.Suma

... Petitioner

Vs.

The District Collector (PD Section)
Krishnagiri District
Krishnagiri.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondent pertaining to the proceeding bearing ஓ.பு. 24305/2019/K2 dated 04.10.2019 and quash the same and further direct the respondent to consider the claim of the petitioner for compassionate appointment in accordance with G.O.Ms.No.102 Rural Development and Panchayat Raj (E5) Department dated 13.07.2015.

For the Petitioner	:	Mr.T.Hemalatha
For the Respondent	:	Mr.C.Jayaprakash Government Advocate



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ORDER

The Writ Petition is filed challenging the impugned order dated 04.10.2019 in and by which, compassionate appointment was refused to the petitioner.

2.The petitioner's husband viz., G.Ravikumar, who was working as Panchayat Secretary died on 04.03.2015 leaving behind the petitioner, his wife and two tender children. While so by G.O.Ms.No.102, Rural Development and Panchayat Raj (E5) Department dated 13.07.2015, the compassionate appointment scheme was also extended to the post of Panchayat Secretary, in which the petitioner's husband was working. Accordingly, the petitioner made an application on 29.06.2015. The same was rejected by an order dated 29.09.2015 on the ground that the petitioner's husband died prior to the date of extension of the scheme of compassionate appointment. Aggrieved by the same, the petitioner filed W.P.No.4142 of 2016 before this Court, in which the following order was passed on 31.08.2017:-

“3.The date of death of the deceased employee was not prescribed as a cut off date in the Government Order and therefore, the scheme of compassionate appointment cannot be restricted only to the deceased employees, where the date of death falls after the issuance of the said G.O.Ms.No.102. This



being the view of this Court, the order impugned passed by the respondent in proceedings dated 29.09.2015, is quashed and the respondent is directed to re-consider the application submitted by the writ petitioner seeking compassionate appointment on merits and in accordance with law and pass orders, within a period of twelve weeks from the date of receipt of a copy of this order. ”

3.In view thereof, again the petitioner’s case was considered by the respondent and now, the impugned order even though extracts the very same paragraph of the order of this Court, once again rejected the case of the petitioner, on the ground that the petitioner’s husband died on 04.03.2015, even before the date of the Government Order. It is relevant to extract paragraph 2 and 3 of the impugned order, which reads as under:-

“பார்வை (2) இல் காணும் தனியரால் சென்னை உயர்நீதிமன்றத்தில் பணி வழங்கக்கோரி தொடர்ந்த வழக்கின் தீர்ப்புரையில்,

“The date of death of the deceased employee was not prescribed as a cut off date in the Government Order and therefore, the scheme of compassionate appointment cannot be restricted only to the deceased employees, where the date of death falls after the issuance of the said G.O.Ms.No.102. This being the view of this Court, the order impugned passed by the respondent in proceedings dated 29.09.2015, is quashed and the respondent is directed to re-consider the application submitted by the writ petitioner seeking compassionate appointment on merits and in accordance with law and pass orders, within a period of twelve weeks from the date of receipt of a copy of this order. என தெரிவிக்கப்பட்டுள்ளது.”

4.Thus, it can be seen that the rights of the parties have already been



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decided in W.P.No.4142 of 2016 and the impugned order has been passed absolutely without any application of mind and it is contemptuous of earlier orders of this Court. Further, it can be seen that the petitioner has duly provided the legal heir certificate and other requisite details for the entitlement to the compassionate appointment scheme. As a matter of fact, after considering the other aspects, by a communication dated 18.09.2015, the Block Development Officer has duly considered the fact that as on the date of death, the petitioner was under extreme penury standing with two years old male child and 5 months old female child and that the family is in poverty and forwarded the application for consideration. Therefore, the impugned order deserves to be set aside.

5. I further hold that the petitioner has satisfied all the requisites for granting of appointment under compassionate appointment. Even though on the basis of the earlier direction of this Court, the matter was remanded, the respondent has callously passed the order rejecting the case of the petitioner, which appears to be a very deserving case.

6. In that view of the matter, the impugned order bearing ஓ.மு.



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24305/2019/K2 dated 04.10.2019 is quashed. The Writ Petition stands allowed.

The respondent is directed to consider the case of the petitioner and grant her compassionate appointment in any suitable post, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

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Index:Yes
Internet:Yes
Speaking Order: Yes
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To
The District Collector (PD Section)
Krishnagiri District
Krishnagiri.

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