



WEB COPY



WP.No.798 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.798 of 2022

S.Priyadharshini

... Petitioner

Vs.

1.The Collector
Cuddalore District, Cuddalore.
2.The Block Development Officer
Kumaratchi Panchayat Union
Kumaratchi, Chidambaram Taluk
Cuddalore District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to provide employment to the petitioner on compassionate ground to any post, commensurate with the petitioner's educational qualification, by considering the communication of the 2nd respondent dated 16.11.2020 and the representations of the petitioner dated 22.04.2021 and 05.07.2021.

For the Petitioner	:	Mr.D.Baskar
For the Respondents	:	Mr.Stalin Abimanyu Additional Government Pleader for R1 Ms.R.L.Karthika for R2



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ORDER

The Writ Petition is filed for a direction to provide employment to the petitioner on compassionate grounds in any post, commensurate with the educational qualification of the petitioner, by considering her representations.

2.The relevant facts are that the petitioner's father – Selvaraj was appointed as Noon Meal Organiser and died while in service on 29.06.2011. Thereafter, on 09.11.2011, the petitioner who was aged 22 years at that time, applied for a compassionate appointment. The said application was kept pending for a long time by asking one particular after the other from the petitioner.

3.Finally, when the application was pending, it was stated that clarification was sought from the Government, since the petitioner's mother was also employed as an Anganwadi worker on a part-time basis and whether the petitioner would be entitled to compassionate appointment or not ?. It is stated in the paragraph No.7 of the counter affidavit that awaiting clarifications from the

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Government, the applications were kept pending. However, it is seen that the mother of the petitioner, viz., Kowsalya also died on 09.05.2021.

4.Though, it can be seen that the purpose of the scheme of compassionate appointment is to provide immediate succor to the family suffering on account of the death of the Government Servant, at the same time, if the respondents keep the application pending for a long time, on account of administrative reasons, the same cannot be put against the petitioner. The only ground on which the application was kept pending is whether on account of the mother's part-time employment, the petitioner is entitled to or not. Though it was for the respondents to have clarified and passed the orders, the fact remains that till date, the clarification never came from the Government and the respondents did not pass any orders.

5.In the meanwhile, the mother of the petitioner also died in the year 2021 and therefore, the said clarification is awaited is no more relevant.

6.In view thereof, the respondents failed to consider the case of the



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petitioner for appointment on compassionate grounds on the basis of her initial representation dated 09.11.2011. Thus, the respondents are directed to consider the case of the petitioner for compassionate appointment, in any suitable post in accordance with law. It is made clear that just because the petitioner possesses higher qualification, she cannot demand to which post the compassionate appointment to be granted and it is for the respondents to decide the same in accordance with the rules and policy. The respondents are directed to complete the process and pass orders within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition stands disposed of. No costs.

08.04.2024

Index: Yes

Internet: Yes

Speaking Order: Yes

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To

1. The Collector

Cuddalore District, Cuddalore.

2. The Block Development Officer

Kumaratchi Panchayat Union

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Kumaratchi, Chidambaram Taluk
Cuddalore District.

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D.BHARATHA CHAKRAVARTHY, J.,

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