



W.P.No.17896 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.17896 of 2021

N.Jarena Begam

... Petitioner

Vs.

The General Manager,
CMWSSB,
No.75. Santhome High Road,
MRC Nagar, R.A.Puram,
Chennai-600 028.

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records relating to the respondent herein in Ka.No.CMW / Pa Ma Ne / Ne Ma 4 / 16696 /2021 dated 15.7.2021 and quash the same and consequently directing the respondent herein to confer the compassionate appointment to the petitioners' son Kadar khan.

For Petitioner : Mr.R.S.Anandan

For Respondent : Mr.Krishna Ravindran

ORDER

This Writ Petition is filed to quash the proceedings issued by the respondent in Ka.No.CMW / Pa Ma Ne / Ne Ma 4 / 16696 /2021 dated



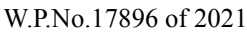
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15.7.2021 and consequently directing the respondent to confer the compassionate appointment to the petitioners' son Kadar khan.

2. The petitioner's husband died in harness on 12.04.2004 and the petitioner has given an application for compassionate appointment on behalf of her son on 24.05.2004 as her son was minor then. Anticipating some technical difficulty in view of the minority of the son, the petitioner had once again made another application for herself seeking compassionate appointment. However, the applications were rejected by the respondents vide the impugned orders. Hence, this Writ petition.

3. Heard Mr.R.S.Anandan, learned counsel for the Petitioner, Mr.Krishna Ravindran, learned counsel appearing for the Respondent

4. It is seen from the subsequent application made by the petitioner that she was insisting the application given on behalf of her son. Even on the date of death of her husband, the petitioner was more than 44 years. So it is quite natural for her to opt her son for getting compassionate



5. The petitioner's husband who was working as a Record Clerk, died on 12.04.2004, leaving behind his wife, four daughters and one son. So it is difficult to imagine the impact of the family of the petitioner, where her husband was alone breadwinner, for the family comprising 7 persons. Three of the daughters and the son were not married at the time of death of their father.

6. Mr.Krishna Ravindran, learned counsel appearing for the Respondent submitted that there was a delay only due to the ban for recruitment on compassionate appointment from the years 2006 to 2011 and caused the delay for appointment.

7. Whatever may be the reason for the delay involved, the impugned orders would only state about some technical difficulties in considering the



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application of the petitioner's son, positively. As stated already, the petitioner was compelled to make two applications seeking for compassionate appointment, one for her son and subsequently for herself in view of the above stated circumstances. No doubt, the petitioner who is blessed with 5 children, at the time of the death of her husband, would have badly in need of the employment to make out her lively hood. Now that nearly 20 years passed. It is not known how the petitioner had run her family with her five children. Providing an employment on compassionate ground to the son of the petitioner, would be a lot of help to the family, atleast at this stage, if the petitioner had incurred loans or otherwise for meeting out the family commitments including the marriages of her daughters, etc., Since the original application has been given by the petitioner within a period of three years from the date of the death of the husband, on behalf of her son, and as on today, the son of the petitioner is a major, there cannot be any difficulty in considering the first application submitted by the petitioner.



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8. In view of the above stated reasons, this Writ petition is disposed of. The impugned order passed by the respondent in Ka.No.CMW / Pa Ma Ne / Ne Ma 4 / 16696 /2021 dated 15.07.2021, is set aside. The respondent is directed to consider the first application submitted by the petitioner on behalf of her son for compassionate appointment, dated 24.05.2004 and pass appropriate positive orders by taking into consideration of the above observations, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

19.03.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
vum

To:

The General Manager,
CMWSSB,
No.75. Santhome High Road,
MRC Nagar, R.A.Puram,
Chennai-600 028.



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R.N.MANJULA ,J.

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