



W.P.No.17542 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.17542 of 2024
and
W.M.P. No. 19325 of 2024

Saraswathi

... Petitioner

Vs

1. The District Collector,
Villupuram District,
Villupuram.

2. The Block Development Officer,
Koliyanur Panchayat Union,
Villupuram District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the respondents pertaining to the impugned order of rejection passed by the first respondent in Pro. Na. Ka. No. Pa. A1/1358402/2023 dated 27.12.2023 and quash the same and consequently direct the respondents herein to consider and provide suitable appointment on compassionate ground in the light of the order passed by this Court in W.P. No. 42273 of 2016 dated 31.08.2017, which was confirmed by the Hon'ble Division Bench of this Court in W.A. No. 2506 of 2018 dated 13.11.2018.



W.P.No.17542 of 2024

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For Petitioner : Mr. A.Baskaran

For Respondent : Mr. S.Arumugam,
Government Advocate (for R1)

Mr. G.Krishnaraja,
Additional Government Pleader (for R2)

ORDER

The Writ Petition has been filed challenging the order dated 27.12.2023 passed by the first respondent, thereby, the request made by the petitioner seeking appointment on the compassionate grounds, was rejected.

2. The petitioner's husband was working as Panchayat Secretary within the jurisdiction of the second respondent. Thereafter, he died on 10.01.2014. Immediately, the petitioner made an application dated 03.02.2014 seeking appointment on compassionate grounds. Thereafter, it was returned on 08.08.2022 sought for some details. In the meanwhile, G.O. (Ms) No. 102, Rural Development and Panchayat Raj (E5) Department dated 13.07.2015 issued by the Government of Tamil Nadu, thereby extending the benefit of compassionate appointment to the Panchayat



W.P.No.17542 of 2024

Secretary.

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3. As per the order passed by this Court in W.P. No. 42273 of 2016 dated 31.08.2017, the application submitted by the petitioner can be considered for appointment on compassionate grounds. However, by the impugned order, the request made by the petitioner was rejected on the ground that the petitioner's husband died on 10.01.2014, i.e. before the issuance of the said Government Order in G.O. (Ms). No. 102, Rural Development and Panchayat Raj (E5) Department dated 13.07.2015. Further, the petitioner submitted application within a period of three years from the date of death of her husband. Between the said period, the Government order was passed on 13.07.2015. In fact, when the petitioner's application was pending, the Government passed the order. Therefore, the petitioner is entitled for appointment on compassionate grounds.

4. In view of the above, the order impugned cannot be sustained and it is liable to be quashed. Accordingly, the impugned order dated 27.12.2023 passed by the first respondent is hereby quashed. The



W.P.No.17542 of 2024

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respondents are directed to appoint the eligible legal heirs of the deceased on the compassionate grounds in the suitable post, within a period of four weeks from the date of receipt of a copy of this order.

5. In the result, this Writ Petition is allowed to the extent indicated above. Consequently, the connected Miscellaneous Petition is closed. No costs.

03.07.2024

Index:Yes/No
Neutral Citation/Yes/No
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To

1. The District Collector,
Villupuram District,
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2. The Block Development Officer,
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W.P.No.17542 of 2024

G.K.ILANTHIRAIYAN, J.

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W.P.No.17542 of 2024

03.07.2024