



W.P.No.25576 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2024

CORAM:

THE HONOURABLE MRS. JUSTICE R.KALAIMATHI

W.P.No.25576 of 2014

N.Thangaraj ... Petitioner
Vs.

1.The Director of School Education,
College Road,
Chennai-600 006.

2.The District Educational Officer,
Perambalur District,
Perambalur. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to second respondent's order in Na.Ka.No.3343/A1/2012 dated 27.03.2013, as confirmed by the first respondent in his proceedings in Na.Ka.No.Mu.Mu.307/J2/2014 dated 08.08.2014 to quash the same and consequently direct the respondents to consider the claim of the petitioner for appointment on compassionate ground to any eligible post forthwith and to extend all benefits arising thereto.

For Petitioner : Mrs.N.R.Jasmin Padma

For Respondents : Mr.T.M.Rajangam
Govt.Advocate (Education)

ORDER



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Challenge is made to the order passed in Na.Ka.No.3343/A1/2012 dated 27.03.2013 and which was confirmed by the 1st respondent in his proceedings in Na.Ka.No.Mu.Mu.307/J2/2014 dated 08.08.2014, this writ petition has been filed by the petitioner herein.

2. Petitioner's father Nallusamy died in harness on 10.06.1997 while, he was working as Office Assistant in the Government High School, Nakka Salem, Perambalur District. He left behind four children (One daughter and three sons). The last son being the petitioner herein. His mother predeceased his father on 12.04.1997. His parents were taken care of by him. The hard earnings of the petitioner's father, as last Grade Government Servant was spent towards medical expenses for his mother and the petitioner's father resulting in lot of loans due to be paid. The most of the dues were settled from the terminal benefits and some dues are yet to be paid. The petitioner further submits that in and by which an application dated 30.07.1999, he sought for appointment on compassionate ground. After a long period and after so many clarifications, on 27.03.2013, his claim came to be rejected by the 2nd respondent on the ground that as the other legal heirs of the petitioner are in employment. On appeal to the 1st respondent also, reiterating the



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same reasons, his appeal was rejected on 08.08.2014. Hence, this writ petition.

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3. Mr.T.M.Rajangam, learned Government Advocate (Education) appearing for the respondents would contend that during the pendency of the application of the petitioner, the appointing authority came to know that his brother N.Jeyaraman is working in Bank and another brother N.Ramaraj is working in Railways and he would further contend that as per G.O.Ms.No.998, Labour and Employment, dated 02.05.1981, if there is already any earning member in the family, the other dependents of the deceased Government servant are not eligible for compassionate appointment.

4. From a perusal of a legal heirship certificate, the deceased Nallusamy died leaving his three sons and one daughter. The petitioner N.Thangaraj is the third son of the deceased Nallusamy. The said G.O.Ms.No.998 dated 02.05.1981 is extracted hereunder:



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GOVERNMENT OF TAMIL NADU.

ABSTRACT.

(G. O. Ms. No. 998, Labour and Employment, dated 2nd May 1981.)

Public Services—Employment assistance to families of deceased Government servants—
Procedure of recruitment—Further instructions—Issued.

READ—

1. G. O. Ms. No. 225, Labour, dated 15th February 1972.
2. G.O. Ms. No. 500, Labour and Employment, dated 3rd August 1977.
3. Government Memo. No. 34107/N1/77-1, dated 4th May 1978.

ORDER :

In the Government Memo read above, the Government issued the following orders on the clarifications raised by the Collector of Madras :—

" The dependant of a Government servant who died in harness leaving his family in indigent circumstances, is eligible to avail himself of the concession granted in the Government Orders read above, even when there is already an earning member in the family, if, in the opinion of the appointing authority, the family is in indigent circumstances. Before deciding the indigent circumstances of the family, the appointing authority should take into account the number of dependants left, the movable and immovable assets and liabilities left by the deceased Government servant, the income of the earning member in the family, as also his liabilities. However, the concession under the Government orders read above should not be granted to more than one dependant in the family of the deceased Government servant. "

2. The Government have since reviewed the orders referred to in paragraph 1 above. They consider that according to existing orders, there is scope for abuse of the above concession on the plea that the family of the Government servant who died in harness is in indigent circumstances even though there is already any earning member in that family. The Government have therefore decided that if in the family of the Government servant who died in harness, there is already an earning member, irrespective of the fact that the member is employed in Government service or elsewhere, other dependant members of the deceased Government servant will not be eligible for the grant of concession granted in the Government orders read above.

3. The Government accordingly, in partial modification of the orders issued in Government Memo. read above direct that if there is already any earning member in the family of the Government servant who died in harness, the other dependants of the deceased Government servant will not be eligible for the concession of appointment in Government departments and Government undertaking without reference to Employment Exchange.

(By order of the Governor.)

T. V. VASUDEVAN,
Commissioner and Secretary to Government



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5. As per the above said G.O., if there is already any earning member in the family of the Government Servant, who die in harness, the other dependents of the deceased Government servant will not be eligible for the concession of appointment in the Government Department and in the Government Undertakings.

6. It appears that the two brothers of the petitioner are employed in Bank and Railways. Once the family member of the deceased is employed in the Government Department or in the Government Undertakings, the other dependent of the deceased is not eligible to avail himself of the concession granted. Therefore, I do not find any infirmity in the impugned orders of the respondents.

7. With these observations, this writ petition stands dismissed.

No costs.

24.04.2024

ssn

To



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- 1.The Principal Secretary to Government,
Rural Welfare Department,
Secretariat,
Chennai-9.
- 2.The District Collector,
Vellore District,
Vellore.
- 3.The Commissioner,
Kaniyambadi Panchayat Union,
Kaniyambadi Panchayat Union,
Vellore District.

R.KALAIMATHI, J.,

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