



W.P.No.26091 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.26091 of 2021

R.Ramya

... Petitioner

Vs.

1.The chief Educational Officer,
O/o. The District Educational Office,
Manjakuppam, Cuddalore 607 001.

2.The District Educational Officer,
O/o.The District Educational Office,
Vadalur, Kurunchipadi Division,
Cuddalore District.

3.Valarmathi

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to consider the claim of the petitioner for appointment on compassionate ground on the basis of the representation dated 05.08.2021 and to extend all benefits arising thereto.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.P.Gurunathan, AGP for R1 & R2
No appearance for R3

ORDER



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This Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to consider the claim of the petitioner for appointment on compassionate ground on the basis of the representation dated 05.08.2021 and to extend all benefits arising thereto.

2. Heard Mr.L.Chandrakumar, learned counsel for the petitioner, Mr.P.Gurunathan, learned Additional Government Pleader for the respondents 1 and 2.

3. The petitioner is the wife of the deceased employee Nachinarkiniyan who died in harness on 02.06.2019.

4. The learned counsel for the petitioner submitted that the petitioner being the wife and class - I legal heir of the deceased, she is entitled to get the death benefits of the deceased husband and also the appointment on compassionate grounds.



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5. The learned Additional Government Pleader for the respondents

1 and 2 submitted that third respondent who is the mother of late Nachinarkiniyan, has filed a civil suit in O.S.No.80 of 2020, on the file of the Additional District Munsif, Chidambaram, seeking for permanent injunction restraining the respondents 1 and 2 from settling the death benefits in favour of the petitioner. She has also filed an interim application in I.A.No.45 of 2020 in the said suit for an interim injunction to that effect and the said application was dismissed.

6. Even when there is no interim order pending in the civil suit, the representation given by the petitioner has not been considered. Interestingly, the third respondent who is the mother of the deceased Nachinarkiniyan has also applied for compassionate appointment. As she was 65 years, the same was rejected by citing her age. In such case, there cannot be any impediment for the respondents 1 and 2 to consider the compassionate appointment application of the petitioner, irrespective of the pending civil suit.

7. So far as the terminal benefits are concerned, the petitioner shall



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take steps to dispose the civil suit at the earliest or the respondents 1 and 2 shall consider to disburse the terminal benefits atleast by 50% which can be the minimum share of the petitioner in her capacity as the legal heir of the deceased Nachinarkiniyan.

8. It is reliably learnt from the submission of the learned counsel for the petitioner that the third respondent has filed an application to withdraw the suit and once it is disposed, there cannot be any impediment in disbursing the share of the petitioner in the terminal benefits of her late husband. So far as the compassionate appointment is concerned, there is no quarrel on the point that the petitioner is the first class legal heir of the deceased and the third respondent is not qualified to be considered for compassionate appointment. So the pendency of the civil suit need not be the reason for not considering the representation of the petitioner made for compassionate appointment. Hence, I feel the relief sought by the petitioner should be granted.

9. In view of the above stated reasons, this Writ Petition is disposed. The respondents 1 and 2 are directed to consider the



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representation of the petitioner for accommodating her in any of the post suitable to her qualification on compassionate ground and also to disburse the share of the petitioner in the terminal benefits, once the suit filed by the third respondent is withdrawn or disposed. The respondents 1 and 2 shall pass appropriate orders in this regard, within a period of six weeks from the date of receipt of a copy of this order. No costs.

15.02.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
gsk

To

- 1.The chief Educational Officer,
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- 2.The District Educational Officer,
O/o.The District Educational Office,
Vadalur, Kurunchipadi Division,
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R.N.MANJULA, J.

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