



Writ Petition No.28466 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.28466 of 2024
and WMP No.31034 of 2024

Nirosha

... Petitioner

Vs.

1.The District Collector,
Ranipet District,
Ranipet.

2. The Tahsildar,
Kanchipuram Taluk,
Kanchipuram.

3. The Block Development Officer,
Block Development Officer,
Nemili Union,
Ranipet District.

4. Vanaja

5. Selvaraj

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka. A1/ 3341 / 2022 dated 21.08.2024 passed by the 3rd Respondent, quash the same and consequently direct the respondents 1 and 3 to appoint the petitioner in



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any one of the eligible post under the compassionate ground and pass such further or other suitable orders.

For Petitioner : Mr.R.Kannan
For Respondents : Mr.K.Tamilvendhan
Government Advocate for R1
MR.P.Anandha Kumar
Government Advocate for R2
Mr.R.Kumaravelu
Additional Government Pleader for R3

ORDER

Considering the limited issue involved in the present writ petition, the main writ petition is taken up for final hearing.

2. This writ petition has been filed challenging the impugned proceedings of the 3rd respondent dated 21.08.2024 and for a consequential direction to the respondents 1 to 3 to consider appointment of the petitioner on compassionate grounds.

3. Heard Mr.R.Kannan, learned counsel for the petitioner and Mr.K.Tamilvendhan, learned Government Advocate for 1st respondent, MR.P.Anandha Kumar, learned Government Advocate for 2nd respondent and Mr.R.Kumaravelu, learned Additional Government



Pleader for 3rd respondent.

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4. The case of the petitioner is that she was married one Janakiraman, who was working as a Deputy Block Development Officer and he unfortunately died in a road accident on 01.04.2022 leaving behind the petitioner and his parents. The petitioner was married to him only on 10.11.2019 and she lost her husband on 01.04.2022. There were no children out of the wedlock.

5. Initially, there was a dispute between the petitioner and her in-laws with respect to the receipt of the terminal benefits. This dispute ended up before this Court in WP Nos.23674 and 23913 of 2022. This writ petition was disposed of by an order dated 21.09.2023. This Court after hearing all the parties concerned thought it fit to grant 50% to the petitioner and 50% to the in-laws. Accordingly, orders were passed and the same was also implemented.

6. The petitioner also made an application seeking for compassionate appointment. The petitioner was able to provide all the certificates from her side. However, the respondents 4 and 5, who are the



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in-laws were opposing granting of compassionate appointment to the petitioner. The 3rd respondent was insisting for getting a no objection certificate from the respondents 4 and 5. That apart, the respondents 4 and 5 were also not providing the details of the movable and immovable properties. In view of the same, the impugned proceedings dated 21.08.2024, came to be passed by the 3rd respondent stating that unless the petitioner submits all the required documents, the claim made by the petitioner will not be considered. Aggrieved by the same, the present writ petition has been filed before this Court.

7. In the considered view of this Court, the petitioner who is the wife of the deceased, is independently entitled to seek for appointment on compassionate ground. There is no need for getting a No objection certificate from the in-laws, since the in-laws are ineligible to be considered for compassionate appointment and already the in-laws are in loggerheads with the petitioner. Therefore, the 3rd respondent was insisting for something, which is impossible and the petitioner was not able to get the no objection certificate. That apart, the 3rd respondent is also insisting for giving the particulars of movable and immovable properties. Once again, those are particulars which are available with the



respondents 4 and 5.

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8. The 3rd respondent has to independently consider the claim made by the petitioner by assessing the financial status of the petitioner. For this purpose, it is enough if the petitioner is able to get a certificate from the concerned authority on her financial status. That apart, the petitioner is prepared to furnish all the other documents to the 3rd respondent. This Court has already held that there is no need for getting a no objection certificate from the respondents 4 and 5 in order to consider the claim made by the petitioner for appointment on compassionate grounds.

9. The learned counsel for the petitioner submitted that even insofar as the terminal benefits are concerned, the petitioner has only received part of the amount and she is yet to receive the entire amount as was directed by this Court in the earlier order. In view of the same, the said grievance expressed by the petitioner shall also be addressed by the 3rd respondent and the 3rd respondent shall pay the balance amount to which the petitioner is entitled within a period of four weeks from the date of receipt of a copy of this order.



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10. In the light of the above discussion, the impugned proceeding of the 3rd respondent dated 21.08.2024 is hereby set-aside. The petitioner is directed to submit a fresh application to the 3rd respondent along with all the other documents. The 3rd respondent shall consider the same in the light of the observation made by this Court in the present order. A final decision shall be taken on its own merits and in accordance with law, within a period of eight weeks from the date of receipt of the fresh representation from the petitioner. It is once again made clear that the 3rd respondent shall deal with the application resubmitted by the petitioner based on the observations made by this Court in the present order.

11. In the result, this writ petition is allowed with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

30.09.2024

Neutral Citation: Yes/No
Index: yes/no
Speaking Order/Non-Speaking Order
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N.ANAND VENKATESH.,J
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To

- 1.The District Collector,
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Ranipet.
2. The Tahsildar,
Kanchipuram Taluk,
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