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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.10.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.29398 of 2024

S.Jayalakshmi

..Petitioner

Vs.

1. The Commissioner,
Commercial Taxes Department,
Ezhilagam, Chepauk,
Chennai 600 005.

2. The Principal Secretary,
Commercial taxes Commissioner Office,
Commercial taxes Department,
Ezhilagam, Chepauk,
Chennai – 600 005

3. The Assistant Commissioner,
Commercial Tax Office,
Dharmapuri – 5

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of the 3rd respondent in Na.Ka.No.136/2024/A2 dated



08.07.2024 and quash the same as illegal, incompetent and ultravires and consequently, direct the respondents to give appointment to the petitioner on compassionate ground.

For Petitioner : Mr.R.Jayaprakash
For Respondents : Mr.G.Nanmaran
Special Government Pleader
for R1 to R3

ORDER

This writ petition has been filed challenging the impugned proceedings of the 3rd respondent dated 08.07.2024 wherein the request made by the petitioner for compassionate appointment was rejected and for a consequential direction to the respondents to appoint the petitioner on compassionate ground.

2. Heard Mr.R.Jayaprakash, learned counsel for the petitioner and Mr.G.Nanmaran, learned Special Government Pleader for respondents 1 to 3.

3. The specific case of the petitioner is that her father was working as a office assistant in the 3rd respondent office and he died in harness on



02.12.2002 leaving behind his wife, the petitioner and younger brother as his legal heirs. The mother of the petitioner submitted an application on 28.11.2005 to the 3rd respondent seeking for appointment on compassionate ground. The petitioner got married in the year 2007. In the meantime, the petitioner also submitted an application seeking for compassionate appointment during the year 2006.

4. The brother of the petitioner also submitted an application for compassionate appointment in the year 2015 after completing his Higher Secondary Education. The 3rd respondent through communication dated 04.01.2019 rejected the application submitted by the brother on the ground that he did not possess necessary qualifications. In view of the same, the petitioner claimed that she is entitled for being considered for appointment on compassionate ground since her husband is very sick and his health condition has deteriorated and that she has to take care of the family. Since the application submitted by the petitioner was not considered, the petitioner filed writ petition in WP No.7971 of 2024 before this Court to consider her application. This writ petition was disposed of by an order dated 26.03.2024 in the following manner



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2. *When this Court was about to dismiss the writ petition, the learned counsel for the petitioner seeks permission of this Court to withdraw this petition and he has also made an endorsement in the Court bundle to that effect.*
3. *In view of the above submission and endorsement made by the learned counsel for the petitioner, this writ petition is dismissed as withdrawn. No costs.*

5. After the above order was passed, the 3rd respondent through impugned proceedings dated 08.07.2024 has rejected the claim made by the petitioner seeking for compassionate appointment on compassionate grounds. Aggrieved by the same, the present writ petition has been filed before this Court.

6. In the considered view of this Court, the order passed by the 3rd respondent is a well reasoned order wherein the 3rd respondent has taken note of the repeated applications submitted by every member of the family and also of the fact that the petitioner is already married and was seeking for compassionate



appointment after a period of nearly 19 years after the demise of her father. Even when the earlier writ petition was filed before this Court, this Court was not inclined to entertain the writ petition considering this ground.

7. This Court does not find any ground to interfere with the order passed by the 3rd respondent and the 3rd respondent has given sufficient reasons for the rejection of the claim made by the petitioner. Those reasons are perfectly in line with the principles of law governing the field pertaining to granting compassionate appointment.

8. In the light of the above discussion, this writ petition stands dismissed. No costs.

14.10.2024

Internet : Yes/No
Index : Yes/No
Speaking Order / Non Speaking Order
rka

N. ANAND VENKATESH, J.



rka

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