



WEB COPY



W.P.No. 28053 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No. 28053 of 2017

and

W.M.P.No. 30122 of 2017

P. Palanisamy

... Petitioner

Vs.

1.District Collector,
Namakkal District,
District Collectorate,
Namakkal.

2.Revenue Divisional Officer,
Namakkal,
Namakkal District.

3.Tahsildar,
Rasipuram Taluk,
Rasipuram,
Namakkal District.

4.M. Santhi

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to impugned order in N.K.29171/2015/A3 dated 12.06.2017 and N.K.29171/2015/A3 dated 12.06.2017 on file of the first respondent and quash the same; consequently direct the first respondent to give appointment to the petitioner on compassionate ground within a reasonable time to be fixed by this Court.



For Petitioner : Mr. P. Rajavel

For Respondents : Mr. E. Vijay Anand, for R1 to R3
Additional Government Pleader
No Appearance for R4

ORDER

This Writ Petition has been filed to call for the records pertaining to the order in N.K.29171/2015/A3 dated 12.06.2017 on file of the first respondent and quash the same; consequently direct the first respondent to give appointment to the petitioner on compassionate ground.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3. Though notice is served, there is no appearance for the fourth respondent.

3. Perused the records.

4. The facts of the case are that,

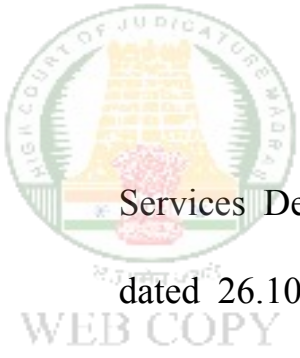
one M.Pachamuthu, who worked as Office Assistant in Taluk Office, Rasipuram died on 26.07.2014 while in service. He left behind five legal heirs i.e., wife, two sons and two daughters. The fourth respondent who is the wife of the deceased has submitted a representation dated 11.11.2015 to the respondents, seeking appointment on compassionate grounds as her family is in indigent



circumstances. After getting reports from the Tahsildar, Rasipuram and Revenue Divisional Officer, Namakkal and on consideration of the rules in vogue, the fourth respondent was appointed as Office Assistant in the office of the Revenue Inspector, Venandur vide proceedings of the first respondent in R.O.C.No.29171/2015/A3 dated 12.06.2017. The fourth respondent has joined duty and she is working as Office Assistant. Challenging the appointment of fourth respondent, the petitioner who is the son of the fourth respondent and the deceased employee has filed this writ petition seeking to cancel the appointment made in favour of the fourth respondent and prayed for appointment to him on compassionate grounds.

5. The learned counsel for the petitioner submits that the fourth respondent is not eligible for compassionate appointment on the ground of her over age at the time of consideration for her compassionate appointment.

6. In the counter affidavit filed by the first respondent, it is averred that as per the rules, the fourth respondent who is the wife of the deceased employee, has applied for appointment on compassionate grounds within the period of three years from the date of demise of her husband. It is also averred in the counter affidavit that the fourth respondent has got all the pre-requisite qualifications for Office Assistant in the District Pool, as per the procedure provided under G.O.Ms.No.8, Employment



Services Department dated 07.01.1987 and G.O.Ms.No.73, Employment Services dated 26.10.1983 and accordingly, she was appointed as Office Assistant in the office of the Revenue Inspector, Vennandhur.

7. The learned Additional Government Pleader appearing for the respondents 1 to 3 submit that, since the objections raised by the writ petitioner, does not in conformity with the rules, his objections were rejected. A due reply was also given to the petitioner vide R.O.C.No.29171/2015/A3 dated 12.06.2017 by the first respondent. As such, the learned Additional Government Pleader contends that the appointment made in favour of the fourth respondent is in accordance with the procedure provided under G.O.Ms.No.8 dated 07.01.1987, Employment Services Department and as such no interference of this Court is required in this writ petition and sought to dismiss the writ petition.

8. Having heard the submissions of the learned counsel for the petitioner and the learned Additional Government Pleader and on careful perusal of the materials available on record, it is an undisputed fact that the fourth respondent is the wife of the deceased employee who died in service on 26.07.2014 and she made representation dated 11.11.2015 seeking for appointment on compassionate grounds. Admittedly, the petitioner also the son of the deceased employee and the fourth



respondent. It is clear that the son has filed this writ petition against his mother. As per the procedure provided under G.O.Ms.No.8, Employment Services Department, dated 07.01.1987 for compassionate appointment, the wife of the Government servant died in harness will be given first preference, other family members will be considered only if they are nominated by the wife of the deceased Government servant, as per G.O.Ms.No.73 Employment Services, dated 26.06.1993.

9. In the present case, the fourth respondent herself sought for appointment on compassionate grounds in view of the indigent condition of the family. It appears, the official respondents have conducted enquiry and after receipt of the reports from concerned officers, took a decision to appoint fourth respondent on compassionate grounds by appointment order dated 12.06.2017 as Office Assistant in the Revenue Inspector, Vennandhur.

10. The learned Additional Government Pleader submits that in appointments on compassionate grounds, the Government is considering the legal heirs of the deceased employee for appointment up to the age of 55 years by relaxing the regular recruitment rules. In the present case, the fourth respondent is coming under the said age, as she is aged 46 years. Though the contention of the learned counsel for the petitioner is considered that fourth respondent is aged 50 years,



W.P.No. 28053 of 2017

thereafter also her case can be considered for appointment, due to the reason that she is below the age of 55 years.

11. As such, in the considered opinion of this Court, there is no substance in the contention of the petitioner that the fourth respondent is not eligible for compassionate appointment and to consider the petitioner for compassionate appointment. The petitioner failed to make out any case, warranting interference of this Court under Article 226 of the Constitution of India.

12. Accordingly, for the reasons stated above, this Writ Petition is dismissed.

13. Consequently, connected miscellaneous petition is closed.

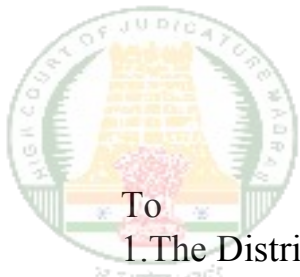
14. There shall be no order as to costs.

23.01.2024

Index :Yes/No

Neutral Citation :Yes/No

AT



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To

1.The District Collector,
Namakkal District,
District Collectorate,
Namakkal.

2.The Revenue Divisional Officer,
Namakkal, Namakkal District.

3.The Tahsildar,
Rasipuram Taluk,
Rasipuram,
Namakkal District.



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BATTU DEVANAND, J.

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