



WP(MD) No.342 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.342 of 2024

Radhika

... Petitioner

Vs.

1.The District Collector
Pudukkottai District.

2.The District Supply Officer Cum Consumer Protection Officer,
O/o.District Supply Office,
Pudukkottai.

3.Rajathi Ammal

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus



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to call for the records pertaining to the impugned order dated 18.11.2023 passed by the 2nd respondent in Na.Ka.25807/K7/2021 and consequently direct the respondent No.1 and 2 herein to provide suitable employment to the petitioner on compassionate appointment by considering the petitioner's representations dated 23.09.2021 and 10.01.2022.

For Petitioner : Mr.R.Shenbagaraj

For Respondents : Mr.M.Ramesh – for R1 & R2

Government Advocate

Ms.A.Banumathy – for R3

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 18.11.2023 passed by the 2nd respondent in Na.Ka.25807/K7/2021 and consequently direct the respondent No.1



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and 2 herein to provide suitable employment to the petitioner on compassionate appointment by considering the petitioner's representations dated 23.09.2021 and 10.01.2022.

2. Heard Mr.R.Shenbagaraj, learned counsel for the petitioner and Mr.M.Ramesh, learned Government Advocate appearing for the respondents 1 and 2 and Ms.A.Banumathy, learned counsel appearing for the third respondent.

3. The petitioner has filed an application seeking for compassionate appointment under the scheme in view of the death of her husband Sathish on 22.09.2021. But the said application of the petitioner was rejected on the ground that the third respondent, who is the mother of the deceased Sathish has raised objections and that there is no settlement arrived between the petitioner and the third respondent. The petitioner is the wife of the deceased Sathish and she filed an application to consider herself for the appointment



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on compassionate grounds. The third respondent, who is the mother of the deceased Sathish is not an eligible member, who can claim any appointment on compassionate grounds.

4. The learned counsel for the third respondent submitted that the petitioner's husband Sathish himself was appointed on compassionate grounds in view of the death of the third respondent's husband, while he was in service. It is further submitted that if the job is given to the petitioner, who does not have any issues, the livelihood of the third respondent and her other son will get affected.

5. The other son of the third respondent is not the legal heir of the deceased Sathish and he will not come under the purview of getting appointment under the compassionate appointment scheme. Since the petitioner alone is the person, who is otherwise eligible to get the appointment on compassionate scheme, the third



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respondent's objections ought not to have prevented the second respondent from considering the application of the petitioner on merits and pass appropriate orders.

6. In view of the above stated reasons, this Writ petition is **allowed** and the impugned order, dated 18.11.2023 of the second respondent is set aside and the second respondent is directed to consider the application/representation of the petitioner afresh after taking into account of the whole circumstances and by considering the situation of the petitioner and pass appropriate orders in accordance with law within a period of six weeks. No costs.

07.06.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM



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Pudukkottai.



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.342 of 2024

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