



W.P(MD)No.4297 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4297 of 2024

Muthuselvi

... Petitioner

Vs.

1.The Tahsildar,
Taluk Office,
Tirunelveli Town & District.

2.Pushpavathi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent in Mu.Mu.A5.75/2023 dated 06.10.2023 and quash the same and consequently direct the 1st respondent herein to issue combined certificate to the petitioner so as to enable her to produce the same before the authorities for compassionate appoint, within a stipulated period of time to be fixed by this Court.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mr.D.Gandhiraj
Special Government Pleader for R1

: Mr.S.Suresh Manickam for R2



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ORDER

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Heard both sides.

2. The petitioner got married to Raja S/o.Pushpavathi / second respondent herein. He passed away on 10.06.2019. At the time of death, he was working as head constable. The petitioner applied for issuance of what is known as combined certificate for the purpose of compassionate appointment. On account of the objection raised by the second respondent, the first respondent herein issued the impugned memorandum calling upon the petitioner to move the jurisdictional Court for appropriate relief. Challenging the same, the present writ petition came to be filed.

3. When the matter was taken up for hearing, the learned counsel appearing for the second respondent submitted that if the petitioner would undertake to maintain the second respondent, she would not have any objection for issuance of the combined medical certificate. In fact, G.O.Ms.No.33, Labour Welfare and Skill Development (Q1) Department, dated 08.03.2023 provides for giving such certificate of undertaking.



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4. Considering the special facts and circumstances of this case, the petitioner came forward to undertake to pay 1/3rd of her salary (minus tax deduction) as maintenance to the second respondent till her lifetime. This undertaking is also placed on record. It is admitted by the learned counsel on either side that death benefits have already been equally shared.

5. In this view of the matter, the impugned memorandum is set aside. The first respondent is directed to issue the combined certificate to the petitioner within a period of two weeks from the date of receipt of a copy of this order. It is hoped that the petitioner's case for compassionate appointment will be expedited. The Writ Petition is allowed on these terms. No costs.

15.03.2024

Index : Yes / No
Internet : Yes/ No
rmi

NOTE: Issue Order Copy on 18.03.2024

To
The Tahsildar,
Taluk Office,
Tirunelveli Town & District.



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G.R.SWAMINATHAN, J.

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