



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

W.A.(MD)No.305 of 2022

S.Amaravathi

... Appellant / Petitioner

Vs.

1. The Principal Secretary,
Revenue and Disaster Management Department,
Secretariat,
Chennai – 600 009.

2. The Special Commissioner,
Revenue Administration and Disaster Management,
Cheppakkam,
Chennai – 600 005.

3. The District Collector,
Collectorate,
Karur – 639 007.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 01.03.2022 passed in W.P.(MD)No.2668 of 2021 on the file of this Court by allowing the writ appeal.

For Appellant : Mr.R.Lakshmanan

For Respondents : Mr.K.Selvaganesan,
Additional Government Pleader.

* * *



WEB COPY

J U D G M E N T**(Judgment of the Court was delivered by G.R.SWAMINATHAN, J.)**

Heard both sides.

2. One Govindarajan, S/o.Oman was sponsored by the Employment Exchange for appointment as night watchman in the office of the Tahsildar, Krishnarayapuram. The P.A.(General) to the District Collector, Karur vide proceedings bearing Na.Ka.No.A3.5653/99 dated 26.06.2000 appointed the said Govindarajan as night watchman. It is stated that he was placed in time scale of pay. He passed away on 27.09.2018. Only thereafter, his wife, the appellant herein realised that the services of her husband were not even regularised. She therefore submitted representation to the Hon'ble Chief Minister's Special Cell seeking retirement and other benefits. Her representation was forwarded to the District Collector, Karur. The District Collector informed the petitioner vide communication dated 11.02.2020 that since her husband's services have not been regularised, the question of conferring any benefit will not arise at all. Challenging the same, the petitioner filed W.P. (MD)No.2668 of 2021. She also sought compassionate appointment. The petitioner could not get any relief. The writ petition was disposed of vide



order dated 01.03.2022 in the following terms:-

WEB COPY

“3.The present writ petition also filed seeking the similar prayer, but, orally the learned counsel for the petitioner made a submission that the terminal benefits are not paid. However, the husband of the petitioner was not working as a regular Government employee, as his services were not regularized. If at all any benefit due in respect of the non regularized employee paid to the petitioner, the said benefits shall be settled in favour of the petitioner as early as possible.”

3. Questioning the same, this writ appeal has been filed.

4.The learned counsel appearing for the appellant made it clear that the appellant is not seeking compassionate appointment. She would be satisfied if the services of her husband are notionally regularised and the benefits payable to the petitioner are settled.

5.We are clearly of the view that the petitioner has made out a clear case for grant of relief. Her husband did not enter the service through back door. He was sponsored by the Employment Exchange. He had served the Department for more than 18 years. We fail to understand as to



how the services of a regularly appointed person was not regularised for over 18 years. We therefore direct the first respondent to notionally regularise the services of O.Govindarajan, the husband of the appellant herein from the date he was eligible. The benefits payable to the appellant including Family Pension shall also be appropriately determined and settled within a period of sixteen weeks from the date of receipt of a copy of this order. The order of the learned Single Judge is modified and this writ appeal stands allowed accordingly. No costs.

(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)
4th December 2024

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

PMU

To:

1. The Principal Secretary,
Revenue and Disaster Management Dept,
Secretariat, Chennai – 600 009.
2. The Special Commissioner,
Revenue Administration and Disaster Management,
Cheppakkam, Chennai – 600 005.
3. The District Collector,
Collectorate,
Karur – 639 007.



WEB COPY



5

W.A.(MD)No.305 of 2022

G.R.SWAMINATHAN,J.

AND

R.POORNIMA, J.

PMU

W.A.(MD)No.305 of 2022

04.12.2024



WEB COPY

