



W.P.(MD).No.8149 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.8149 of 2021

V.Rajalakshmi

...Petitioner

Vs.

1.The Superintending Engineer,
Water Resource Organization,
Public Works Department,
Peravurani,
Thanjavur District.

2.The Assistant Executive Engineer,
Water Resource Organization,
Public Works Department,
Channel Reconstruction Subdivision,
Peravurani, Thanjavur District.

3.Kavitha

... 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 of the 2nd respondent Impugned Communication Ka.No.Koo. 16/2021/VuSaePoo dated 24.02.2021 and quash the same as devoids of merits consequently directing the 2nd respondent to grant monetary benefits to the



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petitioner and compassionate ground appointment to her widow daughter Ilamathy in view of death of the petitioner's son during the course of employment based on her representation dated 04.02.2021, within the period stipulate by this Court.

For Petitioner : Mr.A.Haja Mohideen

For R-1 and R-2 : Mr.J.John Rajadurai,
Government Advocate

For R-3 : No appearance

ORDER

The present writ petition has been filed to quash the Impugned Communication dated 24.02.2021 passed by the 2nd respondent and consequently directing the 2nd respondent to grant monetary benefits to the petitioner and compassionate ground appointment to her widow daughter Ilamathy in view of death of the petitioner's son during the course of employment based on her representation dated 04.02.2021.

2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-



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The petitioner's son one Mohanraj joined duty as daily wager in a position of Water Irrigation Assistant on 01.01.1990 and his service was regularized from 01.07.2003. While in service, the petitioner's son died on 22.02.2010 due to illness. The 3rd respondent is the petitioner's daughter in law who is the wife of the deceased. After the death of the petitioner's son Mohanraj, the 3rd respondent had remarried one Ramakrishnan, S/o.Narayanasamy. In the meanwhile, the petitioner had given an application to the respondents 1 and 2 seeking compassionate appointment to her widowed daughter. However, rejecting the same, the impugned communication vide Ka.No.Koo.16/2021/VuSaePoo dated 24.02.2021 came to be passed. Challenging the same, the present writ petition came to be filed.

3. Mr.J.John Rajadurai, learned Government Advocate, appearing for the respondents 1 and 2 submitted that on enquiry it has been found that the 3rd respondent has remarried. However, the application of the petitioner could not be considered for the fact that the legal heir certificate of the Mohanraj consists the name of the petitioner as well as the 3rd respondent. In case of the petitioner being able to delete the name of the 3rd respondent from legal heir certificate



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and submit an application afresh then the application could be considered positively. The said submission is recorded.

4. Heard, the learned Counsels on either sides. Carefully perused the materials available on record.

5. In view of the said submission made by the learned Government Advocate, this Court hereby quash the impugned communication dated 24.02.2021 passed by the 2nd respondent and the matter is remanded back to the file of the 2nd respondent. Consequently, the petitioner is directed to submit an application fresh along with legal heir certificate of her son deceased Mohanraj by deleting the name of the 3rd respondent from the said legal heir certificate forthwith. On receipt of the same, the 2nd respondent is directed to consider the petitioner's application and pass appropriate orders positively in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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6. Accordingly, this Writ Petition is disposed of. No costs.

17.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

1.The Superintending Engineer,
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Thanjavur District.

2.The Assistant Executive Engineer,
Water Resource Organization,
Public Works Department,
Channel Reconstruction Subdivision,
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L.VICTORIA GOWRI, J.

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