



W.A.(MD)No.998 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.06.2024

CORAM

**THE HON'BLE MR.JUSTICE R.SURESH KUMAR
AND
THE HON'BLE MR.JUSTICE G.ARUL MURUGAN**

**W.A(MD)No.998 of 2024
and
C.M.P.(MD)Nos.7222 and 7223 of 2024**

R.Manimegalai

... Appellant

vs

1.The District Collector,
Trichy District, Trichy.

2.The Tahsildar,
Srirengam Taluk Office,
Srirengam, Trichy District.

...Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order of this Court dated 08.01.2024 passed in W.P(MD)No.12290 of 2022 by confirming the order of the first respondent in his proceedings in Na.Ka.A4/24572/2021, dated 28.04.2022.

For Appellants : Mr.K.R.Manimaran

For Respondents : Mr.S.Shaji Bino
Special Government Pleader



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JUDGMENT

(Judgment of this Court was delivered by **G.ARUL MURUGAN, J.**)

The Writ Appeal is directed against the order, dated 08.01.2024 in W.P.(MD)No.12290 of 2022, in respect of rejection of the application of the appellant seeking compassionate appointment.

2.It is the case of the appellant that her husband, Late M.Kumarasamy, worked as a Village Administrative Officer, Navalurkuttapattu, Srirangam Taluk, Tiruchirappalli District and while in service, he died on 14.06.2020. The deceased Government servant died leaving behind the Writ Petitioner as his wife and his minor son, Pavithran. As such, the Writ Petitioner had made an application seeking compassionate appointment on 06.09.2021. Though initially, the first respondent, by proceedings, dated 06.04.2022, directed the Writ Petitioner to produce the physical fitness certificate for the purpose of appointing her in the temporary post of Masalji, but however, after the documents were submitted, by proceedings, dated 28.04.2022, the claim of the Writ



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Petitioner had been rejected by taking into consideration of the report submitted by the second respondent.

3.Challenging the rejection, the appellant had preferred the Writ Petition and the Writ Court, by considering the fact that the Writ Petitioner, who had already been married to one Selvam and a mother of two children, has without divorcing her first husband, married the deceased Government servant. Therefore, as the Writ Petitioner is not a legally wedded wife of the deceased Government servant and the Writ Petitioner being not covered under the compassionate appointment scheme under G.M.(Ms)No.18, Labour and Employment Department, dismissed the Writ Petition. Challenging the impugned order of dismissing the Writ Petition, the appellant has preferred the above Writ Appeal.

4.The learned Counsel for appellant contended that the appellant had legally married the deceased Government servant, M.Kumarasamy. He died leaving behind the appellant and her minor son, Pavithran and therefore, the appellant being a legal heir is entitled to for seeking compassionate appointment. The learned Counsel further contended that it is not clear as



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to from where the respondents have collected the details of the earlier marriage, which is not factually correct and the learned Judge has relied on the details furnished by the respondents through counter affidavit and thereby, dismissed the Writ Petition, which is erroneous, he contended and sought for interference of this Court.

5.The learned Special Government Pleader appearing for the respondents submitted that from the enquiry report submitted by the second respondent, it came to the light that the appellant already having been married to one Selvam and having two children, claims to have married the deceased Government servant and any such marriage, without there being a valid divorce, is not a legal marriage and therefore, the appellant is not a legal heir of the deceased Government servant to claim appointment under compassionate ground, which has been rightly taken note of by the learned Judge, which needs no interference of this Court and sought for dismissal of the appeal.

6.Heard the learned Counsel on either side and perused the materials available on record.



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7.The deceased Government servant, M.Kumarasamy had admittedly, worked as Village Administrative Officer, Navalurkuttapattu, Srirangam Taluk, Tiruchirappalli District. He died while in service on 14.06.2020. The appellant, who claims to be a legal heir, had filed an application on 06.09.2021 seeking compassionate appointment. It is the claim of the appellant that she is the wife of the deceased Government servant and is also having a minor son, Pavithran, born to them.

8.Pursuant to the application submitted, even though the respondents by proceedings, dated 06.04.2022 had called for the appellant to produce physical fitness certificate for the purpose of appointing her to the temporary post of Masalji, the documents submitted by her were forwarded for enquiry to the second respondent. In fact, during the enquiry, when based on the documents collected about the earlier marriage of the appellant and the same was enquired, the appellant had admitted that she had already been married to one Selvam residing at Door No.180, Agaram Pudupettai, Buwanagiri Taluk in Cuddalore District and out of the wedlock, she is the mother of two children, viz., Sabari Krishna n and Sanjai Kumaran, but



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however, had left the family and without legally dissolving the marriage with the first husband, Selvam, she had married the deceased Government servant, M.Kumarasamy and had been residing for the past ten years in Trichy.

9. When admittedly, the appellant had already been married to one Selvam and also a mother of two children, she had entered into a second marriage with the deceased Government servant, M.Kumarasamy, without legally dissolving the first marriage. Therefore, the second marriage of the appellant with the deceased Government servant is not a valid marriage and therefore, she cannot be construed as a legal heir of the deceased Government servant. As per the compassionate appointment scheme, as per G.O(Ms)No.18, Labour and Employment Department, dated 23.01.2020, only the legal heirs are entitled to claim for appointment on compassionate ground subject to fulfillment of conditions therein. As the appellant is not a legal heir of the deceased Government servant, M.Kumarasamy, the appellant is not covered under the scheme and has no right to claim compassionate appointment.



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10. Taking note of all the factual aspects, the learned Judge had rightly dismissed the Writ Petition, which needs no interference. Accordingly, the order passed by the learned Judge is sustained and the Writ Appeal stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[R.S.K., J] & [G.A.M., J]
14.06.2024

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

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To

1. The District Collector,
Trichy District, Trichy.

2. The Tahsildar,
Srirengam Taluk Office,
Srirengam, Trichy District.



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Judgment made in
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