



WP(MD) No.9881 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.9881 of 2023
and WMP(MD)Nos.8716 & 8717 of 2023

K.Karthiga

.. Petitioner

Vs.

1.The Director General of Police,
O/o.the Director General of Police,
Santhome High Road,
Chennai.

2.The Superintendent of Police,
O/o.the Superintendent of Police,
Virudhunagar District.

.. 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 2nd respondent in Na.Ka.No.A1(3)/33522/2019 dated 20.07.2021 and quash



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the same and consequently direct the respondents to appoint the petitioner on compassionate grounds on the basis of her educational qualifications with the control of the 2nd respondent's office with all consequential benefits within a stipulated period of time.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the proceedings of the 2nd respondent in Na.Ka.No.A1(3)/33522/2019 dated 20.07.2021 and for a consequential direction to the 2nd respondent to appoint the petitioner on compassionate grounds.

2. Heard Mr.T.Thirumurugan, learned counsel appearing for the petitioner and Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents.



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3. The petitioner, who is the daughter of the deceased Kanagaraj, who was working as Special Sub Inspector of Police, has filed this writ petition challenging the order of rejection of her application for compassionate appointment. The father of the petitioner died on 11.07.2019 while he was in service. The petitioner's application for compassionate appointment was rejected on 20.07.2021 by the impugned order stating that the petitioner's brother Saravanakuamar has been working in a private concern and his earnings is Rs.6,47,000/- per annum and hence, the petitioner is not eligible to get the compassionate appointment.

4. Mr.T.Thirumurugan, learned counsel for the petitioner submitted that the petitioner's brother does not live along with the petitioner and her mother. He further submitted that the petitioner has to take care of his mother. In such case, the respondents ought to have inquired whether the petitioner's brother, who is in employment, is still takes care of the family of the petitioner after his marriage. He further stated that how the annual income of the petitioner's brother is treated as



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the income of the petitioner's family. Such a presumption cannot be made unless the married brother do live under the same roof and support the family of the deceased.

5. Without looking into the above essential aspect, it has been simply stated in the impugned order that the petitioner's family has got an income of Rs.6,47,000/- per annum in view of the employment of the petitioner's brother. So, the impugned order is liable to be set aside.

6. In the result, this Writ Petition is **disposed of**. The impugned order dated 20.07.2021 is set aside and the matter is remitted back to the respondents to consider afresh in the line of the above observation made and pass fresh orders within a period of six weeks from the date of receipt of a copy of this order. No Costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
NCC : Yes / No
PJL



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R.N.MANJULA, J.

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