



WP(MD) No.10761 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.10761 of 2023
and
WMP(MD)Nos.9472 & 20188 of 2023

A.Mala

.. Petitioner

Vs.

1.The commissioner of Municipal Administration,
Elizhagam Annex Building, 6th Floor,
Kamarajar Salai, Chepauk,
Chennai- 600 005.

2.The Regional Director of Municipal Administration,
Ram Papulor Road,
Manavaram Pillai Nagar,
Tirunelveli-627 002.

3.The Municipal Commissioner,
Aruppukottai Municipality,
Aruppukottai-626 101.

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4.Minor A.Pavithra

Rep. by defacto guardian mother M.Pandiselvi

5.M.Amsavani

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to appoint the petitioner on compassionate grounds to the post to which she is eligible in view of the sudden demise of her husband P.Annadurai, on 28.05.2020, while working as Revenue Assistant in the 3rd respondent Municipality, as per the provisions of the Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules, 2023.

For Petitioner : Mr.G.Kannan

For Respondents : Mr.M.Lingadurai
Special Government Pleader
for R1&R2

: Mr.N.Dilip Kumar
for R3

: Mr.A.S.Vaigunth for R4 & R5



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ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the respondents to appoint the petitioner on compassionate grounds to the post to which she is eligible in the 3rd respondent Municipality.

2. Heard Mr.G.Kannan, learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents 1 & 2, Mr.N.Dilip Kumar, learned counsel for the 3rd respondent and Mr.A.S.Vaigunth, learned counsel for the respondents 4 &5.

3. The petitioner, who claims to be the legally wedded wife of the deceased Government servant Annadurai, had filed this application seeking compassionate appointment due to his death on 28.05.2020, while he was in service. The fourth respondent is the minor daughter of the first wife of the deceased Annadurai and the fifth respondent is the 4th respondent's maternal grandmother. In view of the objections raised by the 4th and 5th respondents to grant a compassionate appointment in



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favour of the petitioner, the application is said to be still pending with the respondents 1 to 3.

4. Mr.G.Kannan, learned counsel for the petitioner submitted that the petitioner alone is the eligible legal heir to claim compassionate appointment and the 4th respondent who is not at all eligible for placing any application for compassionate appointment cannot be allowed to make her objection and on her objection, the petitioner's application should not be pending.

5. Attention was drawn to the judgment of this Court made in W.P.No.10778 of 2020, dated 05.10.2023 wherein the following observation has been made:

“4. The petitioner was forced to file a suit in O.S.No.1818 of 2015, just because she had some misunderstanding with the second respondent and her status as the wife of the deceased Ilandjegiane has also been upheld by the judgment of the II Additional District Munsif Court, Puducherry in O.S.No.1818 of 2015. Further, the petitioner and her minor daughter and the second respondent alone are the legal heirs of the deceased. Admittedly, the second respondent is now 67 years old and at any cause, she



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cannot compete with the petitioner for seeking compassionate appointment on the ground that she is also a family member of the deceased employee. The one and only otherwise eligible person for consideration under compassionate appointment scheme would be the petitioner alone.

5. Since she was forced to obtain No Objection Certificate which cannot be obtained by her in view of the strained relationship between herself and the second respondent, the first respondent shall not insist the first petitioner to produce No objection Certificate in the above manner. Hence the first respondent is directed to consider the application of the petitioner and pass appropriate orders.”

6. The learned counsel for the respondents 4 and 5 submitted that the objections of the respondents 4 & 5 is not about the eligibility of the petitioner among the members of the family of the deceased. But it is about the very fact of the status of the petitioner. It is objected that the petitioner is not the legally wedded wife of the deceased employee even though the mother of the 4th respondent was the divorced wife of the deceased. In such case, it appears to be a dispute between the petitioner and the respondents 4 & 5 about the status of the petitioner with the deceased Government employee. It is for the respondents 1 to 3 to take



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into consideration of the relevant materials placed before them and pass appropriate orders or, if necessary, advice the parties to work out their remedy as to declaration of status before the appropriate forum.

7. With the above observation, this writ petition is **disposed of**.

No Costs. Consequently, connected miscellaneous petitions are closed.

06.06.2024

Index : Yes / No

NCC : Yes / No

PJL

To

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R.N.MANJULA, J.

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