



W.P.(MD)No.15169 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.15169 of 2022

S.Gayathri

... Petitioner

vs.

1.The Principal Secretary to Government,
Rural Development and Panchayat Unions,
Government of Tamilnadu,
Fort St. George,
Chennai – 9.

2.The District Collector,
Office of the Collectorate,
Thanjavur District,
Thanjavur.

3.The Block Development Officer,
Block Development Office,
Budhalur Panachayat Union,
Budhalur Taluk,
Thanjavur District.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records the proceedings in Na.Ka.No.584/2022/Na1 dated 16.03.2022 of the second respondent and quash the same and consequently direct the respondents to consider the application of the petitioner on compassionate grounds.



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For Petitioner :Mr.K.S.Muthu
For R-2 & R-3 :Mr.J.Ashok,
Additional Government Pleader

ORDER

The petitioner has filed this writ petition challenging the impugned order of the second respondent in Na.Ka.No.584/2022/Na1 dated 16.03.2022 and to direct the respondents to consider the application of the petitioner on compassionate grounds.

2. The petitioner's father who was working as Deputy Block Development Officer at Budhalur Panchayat died on 21.08.2009 while he was in service. After the death of the petitioner's father, the mother of the petitioner made an application for compassionate appointment on 29.11.2010. The said application was not considered. Thereafter, the petitioner made a representation on 20.12.2021 requesting to give compassionate appointment. The same was rejected by the second respondent vide the impugned order dated 16.03.2022 stating that since the mother of the petitioner is working as a Tailoring Tutor in a Government Aided School and the petitioner's claim cannot be considered. Hence, this writ petition.



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3. However, the learned counsel for the petitioner submitted that the petitioner got married to one Balakarthick who does not belong to their community and her mother did not support her. Her husband is also unemployed and therefore, they are struggling for their livelihood.

4. However, the learned Additional Government Pleader would submit that as per G.O.(Ms)No.18 Labour and Employment (Q1) Department, dated 23.01.2020, compassionate appointment will not be considered, in case any person in the family of the deceased Government employee is in regular employment in Government/private enterprises; since the wife of the deceased employee had already been working as a permanent Tailoring Teacher in a Government aided school, the petitioner is not entitled to get compassionate appointment.

5. Relevant portion of G.O.(Ms)No.18 Labour and Employment (Q1) Department, dated 23.01.2020, is extracted hereunder:



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**FAMILY TO BE IN INDIGENT CIRCUMSTANCES
TO BE ELIGIBLE UNDER COMPASSIONATE
GROUND APPOINTMENT:**

(V) The compassionate ground appointment will not be considered;-

(a) In case any person of the deceased Government Servant family is in regular employment in Government / Private Enterprises.

6. Since the mother of the petitioner is working as a Tailoring Teacher in a Government Aided School, the petitioner cannot claim compassionate appointment and therefore, I feel that there is no illegality or irregularity in the impugned order passed by the second respondent dated 16.03.2022 and therefore, this writ petition is liable to be dismissed.

7. In the result, this writ petition is dismissed. No Costs.

06.06.2024

NCC: Yes/No
Index : Yes/No
PM



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R.N.MANJULA, J.

PM

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