



W.P.(MD)No.16353 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.16353 of 2022

K.Sathiya

... Petitioner

vs.

1.The Additional Secretary,
Block Development & Directorate Panchayat,
Pangal Maligai,
Saidapet,
Chennai.

2.The District Collector,
Pudukottai District,
Pudukkottai.

3.The Assistant Director(Panchayat),
The Campus of Collectorate,
Pudukottai District.

4.The Block Development Officer,
Panchayat Union Office,
Arimalam,
Pudukottai 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



W.P.(MD)No.16353 of 2022

the records pertaining to the order passed by the second respondent in Na.Ka.No.3305/2020/P2(Development) dated 24.03.2021, quash the same and consequently direct the respondents to provide compassionate appointment to the petitioner's son as per the qualification by considering the petitioner's representation, dated 22.03.2021.

For Petitioner	:Mr.S.Muthumalai Raja
For R-1 to R-3	:Mr.J.Ashok, Additional Government Pleader
For R-4	:No Appearance

ORDER

The petitioner has filed this writ petition challenging the impugned order passed by the second respondent in Na.Ka.No.3305/2020/P2(Development), dated 24.03.2021 and to direct the respondents to provide compassionate appointment to the petitioner's son as per the qualification by considering the petitioner's representation, dated 22.03.2021.

2. The petitioner's husband, who was working in the fourth respondent panchayat union office and thereafter, promoted as Panchayat Assistant Grade II, died on 29.03.2012, leaving behind the petitioner and



W.P.(MD)No.16353 of 2022

her two children as legal heirs. Immediately thereafter, the petitioner made a representation seeking compassionate appointment and the said application was rejected. Subsequently, in the year 2014, the petitioner made another application seeking compassionate appointment to her elder son. Since the said application was rejected vide the impugned order of the second respondent, dated 24.03.2021, the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned Additional Government Pleader appearing for the official respondents would submit that as per G.O.(Ms)No.102, Rural Development and Panchayat Raj(EO) Department, dated 13.07.2015, the consideration for compassionate appointment is prospective from 13.07.2015. However, the husband of the petitioner died on 29.03.2012 and therefore, the petitioner's son cannot be considered for appointment on compassionate ground and therefore, the impugned order does not warrant interference.



W.P.(MD)No.16353 of 2022

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4. In view of the said submission made by the learned Additional Government Pleader, in view of G.O.(Ms)No.102 dated 13.07.2015(referred to above), in respect of Panchayat Unions, the compassionate appointment scheme can be given only with prospective effect and not retrospective effect and therefore, the impugned order does not suffer from any irregularity or infirmity and hence, the writ petition is liable to be dismissed.

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

06.06.2024

NCC: Yes/No
Index : Yes/No
PM



W.P.(MD)No.16353 of 2022

To

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W.P.(MD)No.16353 of 2022

R.N.MANJULA, J.

PM

W.P.(MD)No.16353 of 2022

06.06.2024