



W.P.(MD)No.15288 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.15288 of 2023

S.Saravanan

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary to the Government,
Social Welfare and Nutritious Meal Programme,
Fort St.George,
Chennai-600 009.
- 2.The Director,
Social Welfare Department,
2nd Floor, Panagal Maligai,
Saidapet,
Chennai-600 015.
- 3.The District Collector,
Pudukottai District,
Pudukottai.
- 4.The Personal Assistant to the District Collector,
(Noon Meals Scheme),
Pudukottai District,
Pudukottai.
- 5.The Block Development Officer,
Thirumayam,
Pudukottai District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in Letter Na.Ka.V5/27/2021 dated 27.09.2022 passed by the fourth respondent and quash the same as illegal and consequently, directing the respondents to provide compassionate appointment to the petitioner in the post of Noon Meal Organiser or any other suitable post coming under the Group - C or Group - D in the Social Welfare Department or any other Department in accordance with the Government Order in G.O.Ms.No.18, Labour and Employment (Q1) Department dated 23.01.2020 and in the light of the judgment of this Court in W.P.No.24005 of 2014 dated 11.03.2015.

For Petitioner : Mr.T.Veerakumar

For Respondents : Mr.J.Ashok,
Additional Government Pleader

ORDER

Heard Mr.T.Veerakumar, learned counsel appearing for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents.

2. This Writ Petition has been filed challenging the impugned order in Letter Na.Ka.V5/27/2021, dated 27.09.2022, passed by the fourth respondent and consequently to direct the respondents to provide compassionate



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appointment to the petitioner in the post of Noon Meal Organiser or any other suitable post coming under Group - C or Group - D in the Social Welfare Department or any other Department in accordance with the Government Order in G.O.Ms.No.18, Labour and Employment (Q1) Department dated 23.01.2020 and in the light of the judgment of this Court in W.P.No.24005 of 2014 dated 11.03.2015.

3. The petitioner's mother, who was working as a Noon Meal Worker, died on 22.09.2020. Subsequent to the death of his mother, the petitioner had filed an application before the respondents seeking compassionate appointment to him which was rejected by the fourth respondent stating that only female heirs of the deceased could be appointed as a Noon Meal Organizer and hence, the petitioner's application was rejected.

4. Mr.T.Veerakumar, learned counsel appearing for the petitioner submitted that even if the petitioner cannot be appointed as Noon Meal Organizer on compassionate grounds in view of the Scheme of the Government such benefit is only available to the female heirs of the deceased, the petitioner's name can be kept in the General List and whenever opportunity strikes, the name of the petitioner can be considered. He attracted the attention of this Court



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to the Judgment rendered in W.P.(MD).No.16773 of 2021 and the same is

extracted hereunder:

“4. In the present case, as pointed out by the learned Special Government Pleader, there is no procedure to appoint male legal heir as Noon Meal Organiser. Therefore, the petitioner cannot be appointed as Noon Meal Organiser. In such circumstances, the respondents have to refer the name of the petitioner to the District Collector concerned for considering his case under the General List, if the petitioner is otherwise qualified. Under these circumstances, there is no infirmity in respect of the order impugned passed by the respondents. However, in view of the fact that the male legal heir cannot be appointed as Noon meal Organiser, the respondents are directed to refer the name of the petitioner to the District Collector concerned for the purpose of considering the case of the writ petitioner along with the General List of persons to be considered under compassionate appointment scheme. The said exercise is directed to be done within a period of 12 weeks from the date of receipt of a copy of this order.”



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5. However, Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents submitted that the above Judgment of the learned Single Judge has been challenged before the Division Bench of this Court by way of Writ Appeal and the said Writ Appeal is now pending.

6. In view of the submission made by the learned Additional Government Pleader and also the issue which raised in this petition is pending before the Division Bench of this Court, the request of the petitioner can be considered only depending upon the outcome of the Writ Appeal.

7. In view of the above, the Writ Petition is **disposed of**. No costs.

10.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

To

1.The Secretary to the Government,
the State of Tamil Nadu,
Nutritious Meal Programme,
Fort St.George,
Chennai-600 009.



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2.The Director,
Social Welfare Department,
2nd Floor, Panagal Maligai,
Saidapet,
Chennai-600 015.

3.The District Collector,
Pudukottai District,
Pudukottai.

4.The Personal Assistant to the District Collector,
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Pudukottai.

5.The Block Development Officer,
Thirumayam,
Pudukottai District.



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R.N.MANJULA, J.

TSG

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