



WP(MD) No.16125 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.16125 of 2024

S.Karthika

... Petitioner

Vs.

1.The Director,
Medical and Rural Heath Services,
No.359, DMS Complex,
361, Anna Salai,
Chennai.

2.The Chief Medical Officer,
Government Chief Medical Officer,
Palani.

... 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 of the impugned order passed by the second



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respondent in Na.Ka.No.3456/Ni/2020 dated 08.03.2024 and quash the same as illegal and consequently directing the respondents to grant appointment on compassionate ground to the petitioner on account of the demise of her mother Gowri, who died in harness while in service with the second respondent.

For Petitioner : Mr.M.Kannan

For Respondents : Mr.J.Ashok

Additional Government Pleader

ORDER

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

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. This writ petition has been filed challenging the order of the second respondent, dated 07.03.2024, through which, the petitioner's application seeking compassionate appointment due to the



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death of her mother, has been rejected.

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4. The petitioner's mother was working as a Washer Women (basic servant) and she died on 13.05.2020, while in harness. The petitioner's brother namely, Vignesh had originally given an application on 05.12.2020 seeking compassionate appointment. Later, the petitioner had given an application on 09.05.2023 claiming compassionate appointment to herself and the same was rejected, however, the brother has given no objection.

5. The reason for rejecting the application of the petitioner is that the petitioner, who is a married daughter, is not eligible to get compassionate appointment and alternate application is not maintainable.

6. The learned counsel for the petitioner submitted that the petitioner was compelled to file an application subsequent to his brother's application in view of the fact that his brother had become wayward and he did not attend the needs of the family.



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7. The learned Additional Government Pleader submitted that the scheme issued in G.O.(Ms)No.18 dated 23.01.2020 does not permit alternate applications. The scheme only says that if the person who has already given an application dies, then in his place any other eligible legal heir can give a fresh application.

8. It does not speak about the situation where the person who had already given the application does not pursue the same and hence, the application is being substituted by some other legal heir. However, there may be some limitation for giving such an application. The outer limit to file an application seeking compassionate appointment as per the scheme is three years. The petitioner's brother's application and the petitioner's application have been given within three years and even at the time when the petitioner had given her application, her brother's application has not been considered and was still pending. Hence, there cannot be any difficulty in considering the alternate application submitted by the petitioner. So the rejection of the petitioner's application on that ground is not correct.



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9. On the other hand, ground for rejecting the petitioner's application is her marital status. The scheme does not prohibit a married daughter to file an application for seeking compassionate appointment. Since the rejection order has been passed by completely misconstruing the terms of the scheme, the impugned order is liable to be set aside.

10. In the result, the writ petition is allowed and the impugned order, dated 08.03.2024 of the second respondent is set aside. The respondents are directed to reconsider the application of the petitioner, dated 09.05.2023 and pass orders on its own merits within a period of eight weeks from the date of receipt of a copy of this order. No costs.

19.07.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM



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To
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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.16125 of 2024

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