



W.P.(MD)No.16080 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.16080 of 2024

Arun Nagaraj

... Petitioner

Vs.

1.The Superintendent of Police,
Theni Distric, Theni.

2.The Deputy Superintendent of Police,
Aundipatti Sub Division,
Theni District.

3.The Inspector of Police,
All Women Police Station,
Aundipatti,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to issue an appointment order appointing the petitioner as 'fjty; gjpt' vjfpahsh;' based on the provisional selection order dated 23.10.2020 in Na.Ka.No.A4/31889/2020 issued by the first respondent.

For Petitioner : Mr.C.Mayilvahana Rajendran
For Respondents : Mr.S.Shanmugavel
Additional Government Pleader



W.P.(MD)No.16080 of 2024

ORDER

WEB COPY

Heard Mr.C.Mayilvahana Rajendran, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader 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.The petitioner, who is the ex-husband of one deceased employee Geetha has filed this writ petition seeking writ of mandamus directing the first respondent to issue an order of appointment as Data Entry Operator based on the provisional selection order dated 23.10.2020.

4.The petitioner is the ex-husband of the said Geetha, who served as Grade II Police Constable and died in an accident on 06.01.2012. He has filed an application on 08.02.2012 seeking compassionate appointment consequent to her death. The provisional order for appointing the petitioner to the post of Data Entry Operator has come to be passed on 23.10.2020. However, he has not been given with any appointment order so far. Hence, this writ petition has been filed.



W.P.(MD)No.16080 of 2024

WEB COPY

5.The learned Additional Government Pleader for the respondents, on instructions, submitted that the petitioner got re-married and hence, he is not eligible to get the compassionate appointment. He further submitted that the order dated 23.10.2020 cannot be considered as final order, which has been given provisionally and appointment will be released only after considering the case of the petitioner on merits.

6.By way of rejoinder, the learned counsel for the petitioner submitted that the petitioner got remarried in the year 2015, before which the petitioner had made an application seeking compassionate appointment and the same was pending for consideration. He would further submit that as per G.O. (Ms).No.33, Labour Welfare and Skill Development (Q1) Department, dated 08.03.2023, the remarriage of the spouse of the deceased Government servant, who applied for the appointment under these rules, before being provided with appointment shall not make the spouse ineligible of the appointment.

7.Rule 3 (4) (a) and (b) of the Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules, 2023 is extracted hereunder for better appreciation:

“(4) For removal of doubts, it is hereby clarified that, —



W.P.(MD)No.16080 of 2024

(a) employment on casual, adhoc or contracts basis, on daily wages or consolidated pay, of any member of the family of a deceased or medically invalidated Government servant, is not a bar for the family to apply for appointment under these rules;

(b) remarriage of the spouse of the deceased Government servant, who had applied for appointment under these rules, before being provided with an appointment, shall not make the spouse ineligible for the appointment.”

8.It is claimed by the petitioner that his remarriage is during the pendency of his application for compassion appointment. Hence, it cannot be taken as a ground to disqualify the petitioner for making such application.

9.In view of the above reasons, this writ petition is disposed of and the respondents are directed to consider the representation of the petitioner and pass orders on its own merits and in terms of G.O.(Ms)No.33, dated 08.03.2023 and the provisional selection order dated 23.10.2020 within a period of four weeks from the date of receipt of a copy of this order. No costs.

18.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
ta



W.P.(MD)No.16080 of 2024

WEB COPY

- To
- 1.The Superintendent of Police,
Theni Distric, Theni.
 - 2.The Deputy Superintendent of Police,
Aundipatti Sub Division,
Theni District.
 - 3.The Inspector of Police,
All Women Police Station,
Aundipatti,
Theni District.



WEB COPY



W.P.(MD)No.16080 of 2024

R.N.MANJULA, J.

ta

W.P.(MD)No.16080 of 2024

18.07.2024