



W.P.(MD)No.20143 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.20143 of 2024

A.Muthulakshmi

... Petitioner

Vs.

1.The Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Chennai – 600 009.

2.The Secretary to Government,
Human Resources Management (G) Department,
Secretariat, Chennai – 600 009.

3.The District Collector,
Tirunelveli District,
Tirunelveli.

4.The Sub Collector,
Cheranmagadevi,
Tirunelveli District.

5.The Tahsildar,
Ambasamudram,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 3rd respondent herein in COLTNV/22567/2022-



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A4, dated 12.07.2024 and quash the same and consequently direct the 3rd respondent to appoint the petitioner under appointment on compassionate grounds to the post which she is eligible in view of the sudden demise of her father G.Arumugam while working as office assistant at 3rd respondent office within a time frame that may be fixed by this Court.

For Petitioner : Mr.Aayiram K.Selvakumar

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

* * * * *

ORDER

The instant writ petition has been filed by the daughter of a deceased Government employee, challenging the order passed by the third respondent herein, dated 12.07.2024, rejecting her request for compassionate appointment on the ground that she is a married daughter.

2.The petitioner's father who was working as an Office Assistant at Taluk Office, Ambasamudram died on 17.05.2022. The writ petitioner herein as two daughter of the deceased Government servant had submitted her application seeking compassionate appointment on 18.08.2022.



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3.In the affidavit, the petitioner has stated that the petitioner's husband is working as a temporary employee in a private company and therefore, the family is in indigent condition and sought for compassionate appointment.

4.Under the impugned order dated 12.07.2024, the third respondent has rejected the said request citing the Tamil Nadu Civil Services(Appointment on Compassionate Grounds) Rules, 2023 and the clarification letter issued by the Secretary to Government, Human Resources Management(G) Department, Secretariat, Chennai, dated 20.09.2023. This order is put to challenge in the present writ petition.

5.According to the learned Counsel appearing for the writ petitioner, the marital status of the daughter of the Government servant is irrelevant for granting compassionate appointment, if the family is found to be in indigent circumstances and the petitioner is otherwise qualified to be appointed as a Government servant.



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6.The learned Counsel appearing for the writ petitioner has also relied upon the judgment of this Court in W.P.(MD)No.12035 of 2018, dated 09.08.2021 and W.P.No.5268 of 2020, dated 31.10.2023 in support of his contentions.

7.Per contra the learned Additional Government Pleader appearing for the respondents herein contended that in view of the G.O.Ms.No.18, Labour and Employment(Q1) Department, dated 23.10.2020, the petitioner being a married daughter cannot be considered for being appointed under the compassionate appointment quota. By filing a detailed counter, the respondent has further contended that the petitioner's husband is working in a private company and hence the petitioner was not dependant upon the deceased Government servant at the time of his death.

8.I have carefully considered the submission made on either side and perused the materials available on records.

9.This Court in the judgments in W.P.(MD)No.12035 of 2018, dated 09.08.2021 and W.P.No.5268 of 2020, dated 31.01.2023 have categorically held



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that the marital status of a daughter of the deceased Government servant is not a bar for considering her name for compassionate appointment. That apart, the Secretary to Government by his letter dated 20.09.2023 has categorically pointed out that the application filed by a married daughter shall not be forwarded to the Government, for seeking relaxation under Rule 17 of the Tamil Nadu Civil Services(Appointment on Compassionate Grounds) Rules, 2023. Therefore, it is clear that there is no bar and there is no necessity to seek relaxation under the said Rules for appointing a married daughter on compassionate basis.

10.Coming to the indigent circumstances of the family, it is the specific contention of the learned Counsel appearing for the petitioner that her husband is a temporary employee in a private company in Hosur.

11. A perusal of the rule indicates that any employment of any family member on casual or adhoc or contract basis on daily wages or consolidated pay would not be a bar for considering the indigent circumstances of the family. In these circumstances, this Court is of the considered view that indigency of the writ petitioner has not been questioned in the impugned order. For the first time in the counter, the respondent authorities have made an attempt to improve the



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impugned order which is not permissible under law.

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12.In view of the above said circumstances, the order impugned in the writ petition is hereby set aside and the third respondent herein is directed to grant appointment orders under the compassionate appointment quota, so far to the writ petitioner, within a period of twelve weeks from the date of receipt of a copy of this order, if she is otherwise eligible.

13.With the above said observations, this writ petition stands allowed.

No costs.

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

RJR



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R.VIJAYAKUMAR, J.

RJR

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