



W.P.(MD).No.23985 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23985 of 2022

M.Yogamagi

... Petitioner

Vs.

1.The Secretary to the Government,
Department of School Education,
Fort St. George,
Chennai.

2.The Chief Education Officer,
Madurai.

3.The District Education Officer,
Usilampatti,
Madurai District.

4.The Block Education Officer,
Usilampatti,
Madurai District.

... 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 entire records in connection with the impugned order passed by the 3rd respondent in Mu.Mu. No.2354/A1/2020 dated 17.02.2022 and quash the same



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and direct the 3rd respondent to provide suitable job to the petitioner under compassionate ground on the death of his mother on 19.12.2018 as per the petitioner's application dated 30.09.2020.

For Petitioner : Mr.K.K.Kannan

For Respondents : Mr.G.Surya Ananth,
Additional Government Pleader

ORDER

The present writ petition has been filed for a Writ of Certiorarified Mandamus, to call for the entire records in connection with the impugned order passed by the 3rd respondent in Mu.Mu. No.2354/A1/2020 dated 17.02.2022 and quash the same and direct the 3rd respondent to provide suitable job to the petitioner under compassionate ground on the death of his mother on 19.12.2018 as per the petitioner's application dated 30.09.2020.

2. Heard the learned Counsel for the petitioner and the learned Additional Government Pleader for the respondents and carefully perused the materials available on record.



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3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner's mother was working as Head Mistress in Panchayat Union Middle School at Uthappanayakkanur, Usilampatti Taluk, Madurai District. While in service, she passed away on 19.12.2018. She was survived by her husband, the petitioner and her daughter. Even before the death of the petitioner's mother, the petitioner's father was residing in Tiruppur faraway from Uthappanayakkanur and leading an independent life. On 30.09.2020, the petitioner made an application seeking appointment on compassionate ground. However, the respondents rejecting the petitioner's application and the impugned order came to be passed by the 3rd respondent for the reason that the petitioner's father namely, R.Mathiyalagan is working at Krishnapuram Amaravathy co-operative Sugar Mills as Assistant and drawing a salary of Rs. 25,898/- (Rupees Twenty Five Thousand Eight Hundred and Ninety Eight only). Further relying upon the G.O(Ms)No.18 of the Labour and Employment (Q1) Department, dated 23.01.2020, the petitioner's application was rejected for



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the sole reason that the father is employed. Assailing the same, this writ petition came to be filed.

4. The learned Special Government Pleader appearing for the respondents has filed a counter on behalf of the 3rd respondent and he vehemently submitted that the petitioner's application was rightly rejected by the 3rd respondent, because the petitioner's family is receiving a monthly pension of Rs.35,150/- (Rupees Thirty Five Thousand One Hundred and Fifty only) after the death of his mother. That apart, the petitioner's father is also working at Krishnapuram Amaravathy co-operative Sugar Mills as Assistant and drawing a handsome salary. Hence, the petitioner's request for granting appointment on compassionate ground could not be positively considered and hence, the same was rejected and on that basis, sought for dismissal of this Writ Petition.

5. Per contra, the learned Counsel appearing for the petitioner categorically submitted in the affidavit of the petitioner it is pleaded that the



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petitioner's father is residing away from the petitioner even before the death of the petitioner's mother and pressed for allowing this Writ Petition.

6. A careful perusal of G.O(Ms)No.18 of the Labour and Employment (Q1) Department, dated 23.01.2020, would reveal that if any person, in the deceased Government Servant's family was employed even before the death of the Government Servant but was living separately without extending any help to the family, then the case of other eligible dependant will be considered. It is also mandated in the said G.O(Ms)No.18 of the Labour and Employment (Q1) Department, dated 23.01.2020, the family pension of the deceased employee need not be taken into account while assessing the income of the family. In view of the same, this Court is of the considered view that the petitioner's application ought to have been properly appreciated by the 3rd respondent, however, the said exercise was not properly done.

7. In view of the same, this Court hereby quash the impugned order, dated 17.02.2022 and thereafter, direct the 3rd respondent to provide a suitable



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job to the petitioner forthwith under the compassionate ground, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. Accordingly, this writ petition stands allowed. There shall be no order as to costs.

03.01.2024

NCC : Yes
Index : Yes
Internet : Yes
Sml

To

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L.VICTORIA GOWRI, J.

Sml

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