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W.P.(MD) No.8030 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.8030 of 2017

K.V.Jayalakshmi

... Petitioner

-VS-

- 1.The Managing Director
Tamil Nadu Handloom
Development Corporation Ltd.,
Kuralagam, 2nd Floor
Chennai-600 108
- 2.The Chairman
Tamil Nadu Handloom
Development Corporation Ltd.,
Kuralagam, 2nd Floor
Chennai-600 108
- 3.The Branch Manager
Tamil Nadu Handloom Development
Corporation Ltd.,
Kumbakonam Branch
3-A, Mahamagakulam Vadakarai
Kumbakonam
Thanjavur District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records of the respondents 1 and 2 relating to the impugned order in Tha.Ka.V. Kazhagam/Na.Ka.No. 115/2015 dated 10.04.2017 and quash the same and consequently directing the respondents 1 and 2 to regularize the temporary appointment already given to the petitioner and bring her under scale of pay and post her in the office with which the third respondent was merged.

For Petitioner : Mr.B.Anandan

For Respondents : Mr.N.Mohamed Asif for R1
Mr.G.Suriya Ananth
Additional Government Pleader for R2 & R3

ORDER

This writ petition has been filed challenging the impugned order, dated 10.04.2017, passed by the respondents 1 and 2, rejecting the petitioner's request for regularization of her temporary appointment in the respondent - Corporation.

2. The petitioner claims that she was appointed temporarily as Junior Assistant in the third respondent Branch on 25.01.2016 on compassionate appointment basis. She claims that ever since the date of her



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joining i.e., from 25.01.2016, she has been doing regular service. The petitioner has sought for regularization of her service through her representations given to the respondents 1 and 2, which have been rejected under the impugned order, dated 10.04.2017. According to the petitioner, her father Mr.S.Vasudevan was a permanent employee of the respondent – Corporation and he died, while he was in service and due to his death, she was granted employment in the respondent – Corporation on compassionate appointment basis. The petitioner claims that since her father was a permanent employee, she ought to have been granted permanent employment in the respondent – Corporation. However, according to the petitioner, arbitrarily, by expressing financial difficulties, the respondent – Corporation has not regularized the services of the petitioner and rejected her request under the impugned order.

3. Learned Standing Counsel appearing for the first respondent would submit, on instructions, that the first respondent is willing to consider the petitioner's request for temporary appointment once again in the respondent – Corporation and regularize her services in future, incase she is found eligible as per law.



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4. Learned counsel for the petitioner would now submit, on instructions, that the petitioner is willing to give a fresh representation to the first respondent seeking for temporary appointment as a Junior Assistant and thereafter seek for regularization of her service with the first respondent based on her years of service.

5. Since the petitioner has agreed to give a fresh representation, as suggested by the learned Standing Counsel appearing for the first respondent through the instructions given by the first respondent to him, this Court is of the considered view that no prejudice will be caused, if the petitioner is allowed to give a fresh representation based on the instructions received by learned Standing Counsel appearing for the first respondent seeking for temporary appointment as Junior Assistant in the first respondent – Corporation and also requesting the first respondent to consider her request for regularization of her service based on her years of service and based on the fact that her deceased father was a permanent employee of the first respondent – Corporation and a direction is issued to the first respondent to consider her request sympathetically and on merits and in accordance with law, within a time frame to be fixed by this Court.



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6. For the foregoing reasons, this writ petition is disposed of by directing the petitioner to submit a fresh representation to the first respondent seeking for temporary appointment as Junior Assistant and also seeking for future regularization of her service, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said representation, the first respondent shall consider the representation of the petitioner sympathetically, after giving due consideration to the fact that she was appointed on compassionate appointment basis and her deceased father was a permanent employee of the first respondent – Corporation, on merits and in accordance with law, within a period of eight weeks thereafter. No costs.

17.10.2024

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

krk

To:

1.The Chairman,
Tamil Nadu Handloom
Development Corporation Ltd.,
Kuralagam, 2nd Floor,
Chennai-600 108.

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2.The Branch Manager,
Tamil Nadu Handloom Development
Corporation Ltd.,
Kumbakonam Branch,
3-A, Mahamagakulam Vadakarai,
Kumbakonam,
Thanjavur District.



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ABDUL QUDDHOSE, J.

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