



W.P.(MD).No.27225 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.27225 of 2024

M.Maheswari

... Petitioner

Vs.

The Tahsildar,
Bodinayackanoor Taluk Office,
Bodinayackanoor Taluk,
Theni District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records in O.Mu.6069/2023/A1, dated 05.01.2024 on the file of the respondent and quash the same as illegal and consequently direct the respondent to issue integrated certificate for compassionate appointment to the petitioner within time frame to be fixed by this Court.

For Petitioner : Mr.S.Kumar

For Respondent : Mr.D.Sasikumar
Additional Government Pleader



W.P.(MD).No.27225 of 2024

ORDER

WEB COPY

The present Writ Petition has been filed by the wife of a deceased employee challenging the order passed by the respondent herein on 05.01.2024, wherein he had rejected the request of the writ petitioner for issuance of Integrated Certificate for the purpose of obtaining appointment on compassionate ground.

2. According to the learned counsel appearing for the writ petitioner, her husband was working as a Junior Assistant in the Bodinayackanoor Panchayat Union and he went missing on 01.01.2014. Considering the fact that the petitioner's husband was missing for more than seven years, the petitioner make representation to various authorities for conferment of appointment on compassionate ground. One of the pre conditions for considering the application for appointment on compassionate ground is that the petitioner has to produce an Integrated Certificate to be issued by the respondent herein.

3. When the petitioner had approached the respondent for issuance of Integrated Certificate, he had passed the impugned order on 05.01.2024,



W.P.(MD).No.27225 of 2024

rejecting the said request, on the ground that the petitioner's one of the son is a Government employee. This order is put to challenge in the present writ petition.

4. According to the learned counsel appearing for the writ petitioner, the eligibility of the writ petitioner to get compassionate appointment has to be considered only by the concerned authorities and not by the respondent herein.

5. Per contra, the learned Additional Government Pleader appearing for the respondent had pointed out that the respondent has only expressed the inability to issue such a certificate.

6. This Court is of the considered opinion that the eligibility of the writ petitioner to get an appointment on compassionate ground has to be decided by the concerned authorities. The respondent is always at liberty to record the fact that one of the sons of the writ petitioner is Government servant. Recording the same, the respondent can very well issue the Integrated Certificate to the writ petitioner and it is for the concerned authority to decide



W.P.(MD).No.27225 of 2024

WEB COPY

about the eligibility of the writ petitioner or other legal heirs of the missing employee for getting appointment on compassionate ground.

7. In view of the above said facts, the order impugned in the writ petition is set aside and the matter is remitted back to the file of the respondent herein. The respondent is directed to issue integrated Certificate incorporating all the factual details and pass orders within a period of four weeks from the date of receipt of a copy of this order.

8. With the above said observations, this Writ Petition stands allowed to the extent as stated above. There shall be no order as to costs.

20.11.2024

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

To
The Tahsildar,
Bodinayackanoor Taluk Office,
Bodinayackanoor Taluk,
Theni District.



WEB COPY



W.P.(MD).No.27225 of 2024

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)No.27225 of 2024

20.11.2024