



WP.(MD).No.28117 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.28117 of 2023

R.Premalatha

... Petitioner

Vs.

1.The Principal Secretary to Government of Tamil Nadu,
Department of Technical Education,
Secretariate,
St. George Fort,
Chennai - 600 009.

2.The Director
Directorate of Technical Education,
No.53, Sardar Patel Road,
Anna University, Guindy,
Chennai 600 025.

3.The District Collector
Collectorate,
Ramanathapuram - 623 503.

4.The Principal
Mohamed Sathak Polytechnic College,
Keezhakarai,
Ramanathapuram District - 623 806.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the fourth respondent to consider the petitioner's application dated

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13.04.2023 and 28.08.2023 and order to assist in some work as petitioner's qualification on compassionate basis.

For Petitioner : Mr.M.Sakundaladevi
For Respondents 1 to 3 : Mr.N.Ramesh Arumugam
Government Advocate
For 4th Respondent : Mr.J.Barathan

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, seeking to direct the fourth respondent to consider the petitioner's application dated 13.04.2023 and 28.08.2023 and order to assist in some work as petitioner's qualification on compassionate basis.

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

The petitioner's husband was serving as an Electrical Instructor in the fourth respondent College on 01.12.2010 and his service was regularized on 20.02.2018. Thereafter, he was employed as a Skilled Assistant and while in service on 29.07.2022, he passed away unexpectedly. He was survived by the petitioner, his mother and his minor son. Hence, within the mandated period in terms of G.O.Ms.No.33, Labour, Welfare and Skill Development (Q1) Department dated 08.03.2023, the petitioner duly made an



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application on 13.04.2023 and 28.08.2023 seeking compassionate appointment to the fourth respondent. However, the same was not heeded to. Hence, this Writ Petition came to be filed.

3.The fourth respondent has filed a counter affidavit and the learned counsel appearing for the fourth respondent submitted that Clause 12 of G.O.Ms.No.33, Labour, Welfare and Skill Development (Q1) Department, reads as follows:-

“12.Ceiling on appointment.-(1)The total number of persons appointed on compassionate grounds in a Department, at any point of time, shall not exceed five percent of the total sanctioned strength, whether permanent or temporary, of all the categories of posts included in Group 'C' in that Department.”

4.He further argued that as per the mandates of said Ceiling, already 5% of total sanctioned strength including permanent and temporary post, has been exhausted by appointing two candidates on the compassionate ground as early as in the year 2021. That apart the application has been received from the petitioner only on 23.08.2023 and it has been forwarded for consideration to the governing body and as on date, there is no vacancy in terms of G.O.Ms.No.33, Labour, Welfare and Skill Development (Q1) Department to accommodate the petitioner and pressed for



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dismissal of the Writ Petition.

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5.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 3, the learned counsel appearing for the fourth respondent and carefully perused the entire materials available on record.

6.This is the case where the petitioner along with her mother-in-law and minor son are left in lurch and penury. She has made an application seeking appointment on compassionate ground within a period of one year from the date of death of her husband/employee. In view of the same, the fourth respondent ought to have considered fairly in terms of G.O.Ms.No.33, Labour, Welfare and Skill Development (Q1) Department dated 08.03.2023.

7.It is argued by the learned counsel appearing for the fourth respondent that they have already exhausted the posts, which are earmarks to be appointed under compassionate ground. Due to the non availability of any existing vacancy, they are not able to accommodate the petitioner. However, the submission is that the candidates appointed on compassionate ground were



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accommodated as early as in the year 2021.

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8. More over the petitioner has a qualification of M.Com., degree and in terms of the submission of the respondents, the other two appointments were made in the post of Junior Assistant and Record Clerk. In view of the same, this Court hereby direct the fourth respondent to consider the petitioner's representation dated 23.08.2023 within a period of eight weeks from the date of receipt of copy of this order and forthwith issue an appointment order to the petitioner accommodating her in any suitable post. In case in the absence of any vacancy, the petitioner could be accommodated immediately as and when the vacancy occurs in future.

9. Accordingly, this Writ Petition stands allowed. There shall be no order as to costs.

23.02.2024

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



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L.VICTORIA GOWRI, J.

Mrn

To

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