



W.P.(MD)No.29940 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.29940 of 2023 &
W.M.P.(MD)No.25811 of 2023

V.Yamini

... Petitioner

VS.

1.The Director,
Medical and Rural Health Services (ESI),
Office at 259-61, Anna Salai,
Chennai.

2.The Regional Administrative Medical Officer,
Employees State Insurance Corporation,
Regional Office,
4th main road,
Anna Nagar,
Madurai - 625 020.

3.The Medical Officer Incharge,
ESI Hospital Pharmacy,
Munichalai Road,
Madurai - 625 009.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling for the records
relating to the impugned order of the 2nd respondent in his proceedings in



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Na.Ka.No.10216/Ni3/2020 dated 25.05.2023, quash the same and consequently direct the respondents to consider the application of the petitioner dated 28.11.2022 and give appointment in any post under compassionate grounds in the 3rd respondent pharmacy.

For Petitioner : Mr.P.Venkatesan

For Respondents : Mr.M.Lingadurai,
Special Government Pleader

ORDER

Heard Mr.P.Venkatesan, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents.

2. The petitioner has filed this writ petition seeking to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the 2nd respondent in Na.Ka.No.10216/Ni3/2020 dated 25.05.2023, quash the same and consequently direct the respondents to consider her application dated 28.11.2022 and grant appointment in any post in the third respondent Pharmacy under



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compassionate grounds.

3. The petitioner's mother who worked as a Pharmacist in the third respondent Pharmacy died on 03.11.2014 while in service. Subsequently, the petitioner who claims herself to be the adopted daughter of her deceased mother has made an application to the respondents seeking compassionate appointment. Since the petitioner was a minor on the date of application and she continued to be a minor till the expiry of three years from the date of death of her mother, the application of the petitioner was rejected. The said order has not been challenged so far. However, the petitioner after attaining majority has made an another application to the third respondent on 28.11.2022, which was forwarded to the second respondent, who rejected the same stating that since the petitioner has not challenged the earlier rejection order, there is no scope for her to submit a second application and that too after several years.

4. Mr.M.Lingadurai, learned Special Government Pleader



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appearing for the respondents submitted that the compassionate appointment scheme does not cover the adopted children and hence, the petitioner is not eligible to get appointment under the scheme.

5. The petitioner claims herself to be the adopted daughter of the deceased Government employee. The question of adoption itself would require to settle lots of factual aspects. Since the petitioner has made a claim after several years even without challenging the earlier rejection order, I do not see any reason to interfere with the order passed by the second respondent.

6. In view of the above stated reasons, the writ petition is **dismissed**. No costs. Consequently, connected Miscellaneous Petition is closed.

12.06.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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R.N.MANJULA, J.

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