



W.P.No.2203 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2025

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.2203 of 2025

Chitra

... Petitioner

Vs

The District Forest Officer,
Satyamangalam Forest Range,
Satyamangalam 638401,
Erode District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to consider and pass orders on the petitioner's representation dated 18.10.2012 made for giving compassionate appointment to the petitioner within a time frame, as may be fixed by this Court.

For Petitioner : Mr.R.Kamaraj

For Respondent : Mr.C.Selvaraj,
Additional Government Pleader



W.P.No.2203 of 2025

ORDER

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This Writ Petition has been filed for directing the respondent to consider and pass orders on the petitioner's representation dated 18.10.2012 for giving compassionate appointment to the petitioner within a time frame, as may be fixed by this Court.

2. The case of the petitioner is that the petitioner's husband, viz., Govindarajan was employed as Junior Assistant in the Office of the respondent herein. While he was in service, he died on 22.06.2010 due to heart attack, leaving behind the petitioner and her minor daughter as his Class-I legal heirs. Thereafter, the petitioner made a representation dated 18.10.2012 to the respondent enclosing therewith the death certificate of her husband, her educational qualification certificate and her community certificate etc., before the respondent and requested to appoint her on compassionate grounds. However, the respondent neither considered the same nor rejected her application. Further, the petitioner's daughter completed her studies in the year 2024 and applied for appointment on compassionate grounds before the respondent. However, the respondent rejected the same on the ground that application ought to have been made



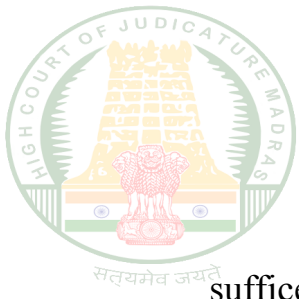
W.P.No.2203 of 2025

WEB COPY

within three years as per G.O. Ms.No.33, dated 08.03.2023. Since the application was made only on 01.07.2024 i.e., after 14 years of the death of her father, she cannot be considered for appointment on compassionate grounds.

3. Further, the petitioner made her application as early as on 18.10.2012 i.e., within three years of her husband's death. However, no order has been passed by the respondent on the said application for the reasons best known to him only. When the respondent has come forward to reject the application dated 01.07.2024 made by the petitioner's daughter as a belated one, he ought to have provided appointment to the petitioner based on her application dated 18.10.2012 as she possesses the requisite qualification. Therefore, the petitioner has filed this writ petitioner seeking a direction to the respondent to consider her representation dated 18.10.2012 within a time frame that may be fixed by this Court.

4. The learned counsel for the petitioner submitted that it would be



W.P.No.2203 of 2025

WEB COPY

suffice if this Court issues a direction to the respondent to consider the petitioner's representation and pass orders.

5. The learned Additional Government Pleader for the respondent would submit that the petitioner herein is the second wife of the late Govindarajan, who was working as Junior Assistant in the Office of the respondent herein. Further, a Writ Petition in W.P.No.26614 of 2014 has been filed by Saraswathy @ Palaniammal (1st wife of late V.Govindarajan) and G.Balasubramanian (2nd son of late V.Govindarajan) seeking compassionate appointment to the said G.Balasubramanian. This Court dismissed the said writ petition by order dated 28.07.2023 holding that compassionate appointment cannot be granted after a period of 13 years from the employee's demise. He further stated that after demise of the said Govindarajan both Saraswathy @ Palaniammal and G.Chitra claimed to be his legally wedded wives and filed separate suits before the District Munsif Court, Rasipuram and Sub Court, Mettur in O.S.Nos.31 and 4 of 2011 respectively, seeking to declare them as his legal heirs. On 20.06.2013, the District Munsif Court, Rasipuram declared Saraswathy @ Palaniammal as the legally wedded wife of the deceased and O.S.No.4 of



W.P.No.2203 of 2025

WEB COPY

2011 filed by the petitioner remained pending before the Trial Court.

According to the respondent, the Tashildar, Rasipuram issued a legal heir certificate dated 18.03.2014 stating that the said Saraswathi @ Palaniammal, her sons, viz., Karthikeyan, Balasubramaniam and Senthilraja, and the daughter of the petitioner, viz., Hemamalini, as the legal heirs of the deceased Govindarajan.

6. The aforesaid submissions of the learned Additional Government Pleader for the respondent makes it clear that the District Munsif Court, Rasipuram declared Saraswathy @ Palaniammal as the legally wedded wife of the deceased and the legal heir certificate issued by the Tahsildar, Rasipuram does not mention the petitioner as the legal heir of the deceased Govindarajan. Further, it is apparent that the family of the deceased employee has been able to tide over the crisis with the passage of time and if any indulgence is now shown after 15 years from the time of death of the deceased employee brushing aside the germane aspects highlighted supra, it would unwittingly tantamount to unduly favouring the Petitioner to the detriment of other citizens whose gravity of suffering may be comparatively of higher magnitude, which cannot be



W.P.No.2203 of 2025

WEB COPY

countenanced. Viewed from that perspective, when the petitioner is not entitled for appointment on compassionate grounds, it is not possible for this Court to direct the respondent to consider the representation made by the petitioner in that regard.

7. In the result, the Writ Petition is dismissed. No costs.

28.01.2025

Index: Yes/No
Speaking order/Non-speaking order
kv

To

The District Forest Officer,
Satyamangalam Forest Range,
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W.P.No.2203 of 2025

V.BHAVANI SUBBAROYAN,J.

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W.P.No.2203 of 2025

28.01.2025