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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-09-2025

CORAM

**THE HONOURABLE MR JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR**

WP No. 32518 of 2025

S.Yagajani
W/o. Late N.Anbazhagan

Petitioner(s)

Vs

1. The Principal District Judge,
Combined Court Building,
Dharmapuri District.

2.The Sub Judge,
Sub Court, Palacode,
Dharmapuri District.

3.Kuppammal,
W/o. Pugalenth, i,
Indian Overseas Bank,
Periyampatti (P.o) & (Vill),
Kariyamangalam (T.K),
Dharmapuri District.

Respondent(s)

PRAYER: Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 2 herein to issue compassionate appointment letter to the petitioner without insisting in the consent letter for No objection certificate from the 3rd respondent.



For Petitioner(s): Mr.P.M.Jayachandran

For Respondent(s): Mr. E.V. Chandru @
E.Chandrasekaran,
For R1 and R2
R3 – Served, No appearance

ORDER

(Order of the Court was made by R.Suresh Kumar J.)

The prayer sought for in this writ petition is for a Writ of Mandamus directing the respondents 1 to 2 to issue compassionate appointment letter to the petitioner without insisting in the consent letter for No Objection Certificate from the third respondent.

2.The petitioner is the wife of late N.Anbazhagan, who was working as Junior Bailiff in the Subordinate Court, Palacode, Dharmapuri and he died in harness on 14.11.2018. Therefore, claiming compassionate appointment, the petitioner claiming to be the legally wedded wife of the deceased employee made an application on 15.02.2019 after getting death certificate as well as the legal heir certificate. However, the respondents, especially, the second respondent, having considered the application submitted by the petitioner for compassionate appointment, has found that the third respondent one Kuppammal also claimed to be the legally wedded wife of the deceased employee. When that being so, the petitioner must get a No Objection



Certificate from the third respondent. Unless she gets the No Objection Certificate from the third respondent and produce the same, the application submitted by the petitioner for compassionate appointment cannot be proceeded further. Only on that juncture, the petitioner has moved the present writ petition with the aforesaid prayer.

3.On notice, Mr.E.V. Chandru @ E.Chandrasekaran, learned counsel appearing for the first and second respondents has received a written instructions from the first respondent on 01.09.2025, where *inter alia* once again the same issue has been reiterated.

4.It is in this regard to be taken note of the fact that the petitioner had approached the Civil Court i.e., the District Munsif Court at Dharmapuri and filed a declaration suit in O.S.No.01 of 2021 against the third respondent, where she sought for a judgment and decree in her favour to declare her as the legally wedded wife of the deceased employee. The said suit by way of an ex-parte decree has been decreed vide judgment and decree dated 08.08.2023.

5.In the said judgment and decree, the Civil Court has given a declaration that the plaintiff/petitioner is declared to be the legally wedded wife of the deceased N.Anbzhagan, i.e., the deceased employee. Despite this judgment having been rendered, the first and second respondents are still not convinced



for considering the application submitted by the petitioner and this is reflected in the written instructions given by the first respondent, dated 01.09.2025, where once again they had sought for No Objection Certificate from the third respondent.

6.In this context, Mr.E.V. Chandru @ E.Chandrasekaran, learned counsel appearing for the first and second respondents would submit that the decree secured by the petitioner is not a contested decree. As it is only an ex-parte decree, based on which, the first and second respondents cannot act upon, as ultimately, if the decree is set aside, then the entire issue would get reversed. Therefore, the learned counsel would submit that unless a conclusive evidence is produced before the first and second respondents or a No Objection Certificate obtained from the third respondent is produced by the petitioner to the first and second respondents, the plea raised by the petitioner for considering her candidature for appointment on compassionate ground cannot be considered, he contended.

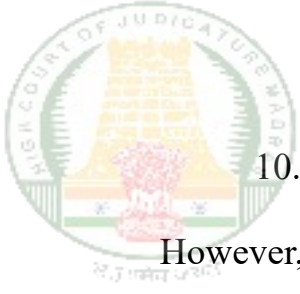
7.Having heard the said submissions made by the learned counsel appearing for the parties, especially, the stand taken by the first and second respondents, we are of the view that the said stand taken by the first and second respondents may not be justified in the eye of law for the simple reason that in order to establish the fact that the petitioner is the legally wedded wife of the



deceased employee since she approached already the Civil Court and got a declaratory decree and the said decree admittedly has not been modified or appealed or rescinded so for, the decree will speak for itself and it is an executable decree.

8. When that being the position, based on the declaration that has been made by the Civil Court in the declaratory decree, the first and second respondents can very well proceed to process the application submitted by the petitioner for compassionate appointment and if the application is otherwise in order, there can be no further impediment to process the application and decide the same on merits and in accordance with law for giving compassionate appointment for the petitioner.

9. In this context, despite issuance of notice to the third respondent, none appeared on behalf of the third respondent and therefore, we are inclined to pass the following order that the first and second respondents are hereby directed to consider the application submitted by the petitioner seeking for compassionate appointment and decide the same on merits and in accordance with law without insisting any No Objection Certificate from the third respondent. The needful as indicated above shall be undertaken by the first and second respondents within a period of two (02) months from the date of receipt of a copy of this order.



10. With these directions, the writ petition is ordered accordingly.

However, there shall be no order as to costs.

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[R.S.K., J.] [H.C., J.]
17-09-2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

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