

W.A.(MD)No.2661 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 26.03.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J. NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)No.2661 of 2024 &
C.M.P.(MD)No.18489 of 2024**

1.Managing Director,
The Tamil Nadu State Transport Corporation,
Tirunelveli Limited,
Tirunelveli District - 627 011.

2.The General Manager,
The Tamil Nadu State Transport Corporation,
Tirunelveli Limited,
Tirunelveli District - 627 003.

... Appellants

Vs.

1.S.Karthika

2.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Transport (TBC) Department,
Secretariat,
Chennai - 600 009.

3.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Labour and Employment Department,
Secretariat,
Chennai - 600 009.

... Respondents



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Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.21953 of 2021, dated 28.07.2023.

For Appellants :Mr.K.Ramaiah

For Respondents :Mrs.A.Dharani for R1

Mrs.D.Farjana Ghoushia,
Special Government Pleader
for R2 and R3

JUDGMENT

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

The present writ appeal is filed by the respondents 3 and 4 in the writ petition challenging the order dated 28.07.2023 passed in W.P.(MD)No.21953 of 2021.

2. The prayer in the writ petition is for Certiorarified Mandamus to quash the order of the second appellant declining compassionate appointment, consequently to direct the appellants to grant compassionate appointment based



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on G.O.Ms.No.155, Labour and Employment Department, dated 16.07.1993 and
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G.O.Ms.No.18, Labour and Employment Department, dated 23.01.2020.

3. The first respondent's father namely R.Sivasubramanian was working as Special Grade Assistant in TNSSTC Tirunelveli Limited. While in service, he died on 03.08.2013 and survived by his wife, son and daughter. The daughter who is the writ petitioner had filed an application dated 28.03.2016 seeking compassionate appointment. Since the same was not considered, the petitioner submitted representation to Chief Minister (special cell) on 14.03.2020. Thereafter, the second appellant considered the application on 24.09.2020 and passed the order rejecting the petitioner's application stating, the petitioner's brother is already employed as Assistant in Treasury Head Office, Secretariat. Challenging the same, writ petition was filed.

4. The Writ Court after considering the claim of the petitioner had held even if any member of the family is employed in a Government Service and living separately, without extending any help to the family, then the case of other eligible person may be considered. The Writ Court has relied on the order dated 05.08.2021 in *W.P.(MD)No.9479 of 2018 in the case of A.Lalith Kumar vs. The School Education Department and others* and has also relied on G.O.Ms.No.155,



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Labour and Employment Department, dated 16.07.1993. Thereafter, directed the appellants to grant compassionate appointment. Aggrieved over the same, the respondents in the writ petitioner had filed the present writ appeal.

5. The contention of the appellants is that the Tahsildar has issued Integrated Certificated dated 26.11.2016, in which, the annual income of the family is stated as Rs.2,11,872/-. Therefore, the petitioner cannot be termed as an indigent person. On the other hand, the writ petitioner stated, the petitioner's mother is receiving pension of Rs.17,656/- and the same is reflected in the Integrated Certificate and as per G.O.Ms.No.18, Labour and Employment Department, dated 23.01.2020, pension income cannot be included while assessing the income of the family.

6. After hearing the rival submissions, this Court is of the considered opinion, the Integrated Income Certificate states the family is receiving Rs. 2,11,872/- income. Further, the Tahsildar Certificate states, it is integrated Certificate which is arrived as per Rules. If it is calculated as per rules then it ought to be taken that the Tahsildar had not taken the pension income while calculating the income. Therefore, when the Certificate clearly states that the income is more than Rupees Two Lakhs, the writ petitioner is not coming within

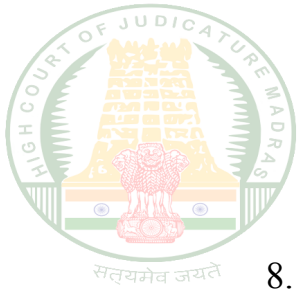


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the purview of the definition of indigent person and the family cannot be considered as an indigent family.

7. The next contention of the writ petitioner is that the brother even though employed is not supporting the family, therefore, under G.O.Ms.No.155, Labour and Employment Department, dated 16.07.1993, the other eligible member is entitled to compassionate appointment. The writ petitioner has barely stated that the brother is not supporting the family. In order to substantiate the fact that the brother is not supporting the family, there needs some more evidence. Absolutely, there is no evidence to show the brother is not supporting the family. Further, when the legal heir certificate was issued, the brother was 22 years old and it is stated that he is unmarried. But the petitioner has claimed the brother is married and is living in Chennai. For this also, the petitioner has not submitted any evidence at all. Therefore, this Court is of the considered opinion the petitioner is not coming within the purview of the exemption clause granted under G.O.Ms.No.155, Labour and Employment Department, dated 16.07.1993. Consequently, the writ petitioner is not entitled to compassionate appointment.



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8. The Writ Court has failed to consider the above two facts. Therefore, the order passed in W.P.(MD)No.21953 of 2021 dated 28.07.2023 is set aside.

9. With the above observations, the writ appeal is allowed. No costs.
Consequently, connected Miscellaneous Petition is closed.

[J.N.B., J.] [S.S.Y., J.]
26.03.2025

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

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To

1.The Principal Secretary to Government,
Transport (TBC) Department,
Secretariat,
Chennai - 600 009.

2.The Principal Secretary to Government,
Labour and Employment Department,
Secretariat,
Chennai - 600 009.



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