



W.P.(MD)No.10683 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.04.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.10683 of 2025
and
W.M.P.(MD).Nos.7940 & 7941 of 2025

M.Anju

... Petitioner

Vs.

1. The Superintendent of Police,
Kanyakumari District,
At Nagercoil.

2. Saathu Santhosh Roy

3. Paul Thangam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent pertaining to its impugned order in Na.Ka.No.M3/46446/2022 dated 10.12.2024 and the subsequent impugned proceedings in Na.Ka.No.A2/31132/2022 dated 17.12.2024 and to quash the same and consequently direct the first respondent to consider the claim of the petitioner for compassionate appointment and for the payment of CPS owing to the death of her husband Mr.S.Prashanth without insisting upon the No Objection Certificate from the 2nd and 3rd respondents by considering the reminder of the petitioner dated 23.01.2025.



WEB COPY



W.P.(MD)No.10683 of 2025

For Petitioner : Mr.S.C.Herold Singh

For Respondent No.1 : Mr.P.Subbaraj
Special Government Pleader

ORDER

Heard, the learned Counsel appearing for the petitioner and the learned Special Government Pleader appearing for the first respondent and carefully examined the materials available on record.

2. The petitioner's husband was worked in the first respondent police department as Grade-II Police Constable in Armed Reserve Camp, Nagercoil. While he was in service, he died on 23.08.2022. Owing to the demise of her husband, she was not in a position to take care of her two daughters and as well as to repay the loans so borrowed by her husband.

3. The petitioner is entitled for benefits under CPS Scheme, as she is the wife of the deceased employee. She is also entitled for Compassionate Appointment. Therefore, she submitted an application for appointment under compassionate ground on 30.12.2022. On receipt of the same, the first



W.P.(MD)No.10683 of 2025

respondent has instructed the petitioner to furnish certain documents by their communication dated 12.08.2024. On receipt of the same, the petitioner approached the first respondent and she furnished all the documents as sought by the first respondent except Document No.2 namely No Objection Certificate from other legal heirs of the deceased.

4. As per the petitioner, her husband is not having any other legal heirs except the Respondent Nos. 2 and 3. As per the petitioner, the second respondent is a retired Sub Inspector of Police and he is receiving handsome amount towards his pension. The third respondent is the mother of the petitioner's husband and she is aged about more than sixty years. The first respondent has insisted the petitioner to produce No Objection Certificate from the second and third respondents. Hence, the petitioner has filed the present writ petition.

5. The first respondent issued a memo on 17.12.2024, informing the petitioner that only after receiving No Objection Certificate from the second and third respondents only, the proposal for the appointment of the petitioner under Compassionate ground would be forwarded to headquarters. In the said memo,



W.P.(MD)No.10683 of 2025

the first respondent directing the Inspector of Police, Armed Reserve Camp,

Kanyakumari District to collect the aforementioned documents and forward the same to his office.

6. The learned Counsel for the petitioner would submit that the petitioner studied B.Tech., (Computer Science) in the year 2015 and completed M.E., in the year 2023. She was blessed with two girl children. But, due to sudden demise of her husband Mr.Prashanth, she could not lead her normal life with two minor children. The respondent Nos.2 and 3, who are the parents of the husband of the petitioner are not taking care of the petitioner and her children and they thrown out them from their home.

7. The learned Counsel for the petitioner further submits that the second respondent is a retired Sub Inspector of Police and the third respondent is the wife of the second respondent and she is aged about more than sixty years. As such, the respondent Nos. 2 and 3 are not entitled for Compassionate appointment. The action of the first respondent in insisting the petitioner to get No Objection Certificate from the second and third respondents is illegal, arbitrary and unjust and in violation of principles of natural justice. He prayed



W.P.(MD)No.10683 of 2025

to allow this writ petition by directing the first respondent to forward the proposal for appointment of the petitioner under compassionate ground to the headquarters without insisting 'No Objection Certificate' from the Respondent Nos.2 and 3.

8. The learned Government Advocate appearing for the first respondent would submit that as per the procedures, the petitioner has to submit all the relevant documents to consider her case for Compassionate Appointment. Along with all the documents, 'No Objection Certificate' from other legal heirs of the deceased are also required to consider the request of the petitioner. Without submitting all the requisite documents, the first respondent could not forward the proposal for compassionate appointment of the petitioner to the headquarters.

9. This Court gave anxious consideration to the submissions of the learned Counsel appearing on either side and carefully perused the materials available on record.



W.P.(MD)No.10683 of 2025

WEB COPY 10. It is an admitted fact that the husband of the petitioner i.e., Mr.Prashanth, who worked as Grade-I Police Constable in the Police Department died on 23.08.2022 in harness, leaving behind the petitioner and the two minor daughters being his legal heirs. It is true that normally, the second and third respondents who are the parents of the deceased husband of the petitioner would be automatically become the legal heirs of the deceased employee. But, in the present issue, after the sudden demise of her husband, the petitioner is seeking for compassionate appointment. It is also an admitted fact that the petitioner is fully qualified for consideration under the Compassionate Appointment Scheme. She had studied M.E., and she is aged about 30 years. The petitioner is having all the requisite qualifications for consideration under compassionate grounds. Due to sudden death of her husband, she has to take care of her two minor daughters. Other than the petitioner, nobody is entitled to seek compassionate appointment.

11. It is an admitted fact that the Respondent Nos.2 and 3 are the parents of the husband of the petitioner. Admittedly, the second respondent is a retired Sub Inspector of Police and he is getting pension after his retirement and the

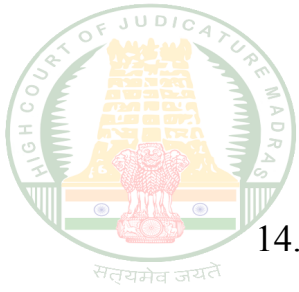


W.P.(MD)No.10683 of 2025

third respondent is the wife of second respondent and she is aged about more than sixty years, so admittedly, they are not entitled for compassionate appointment.

12. Under these circumstances, insisting the petitioner to submit “No Objection Certificate” from the second and third respondents is illegal, unjust and against to the principles of natural justice and in violative of Article 21 of the Constitution of India. Accordingly, the action of the first respondent in insisting the petitioner to submit “No Objection Certificate” from the second and third respondents is declared as illegal and unjust.

13. In view of the above facts and circumstances, this writ petition can be disposed of with a direction to the first respondent to forward the proposal for the appointment of the petitioner under Compassionate ground to the headquarters without insisting to obtain “No Objection Certificate” from the Respondent Nos. 2 and 3 and shall consider the application of the petitioner dated 30.12.2022 to meet the interest of justice.



W.P.(MD)No.10683 of 2025

14. Accordingly, this writ petition is disposed of with a direction to the first respondent to forward the proposal for the appointment of the petitioner under compassionate ground to the headquarters without insisting her to obtain “No Objection Certificate” from the Respondent Nos. 2 and 3 and shall consider the application of the petitioner dated 30.12.2022 for the appointment under compassionate ground within a period of eight weeks from the date of receipt of a copy of this order.

There shall be no order as to costs.

Consequently, connected miscellaneous petitions are closed.

21.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
gvn



W.P.(MD)No.10683 of 2025

WEB COPY

To:

The Superintendent of Police,
Kanyakumari District,
At Nagercoil.



WEB COPY



W.P.(MD)No.10683 of 2025

BATTU DEVANAND, J.

gvn

W.P.(MD)No.10683 of 2025

21.04.2025