

R.Backiarathi Vs. Director of Medical and Rural Development Services

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Court : Chennai

Decided On : Jun-05-2013

Judge : D.Hariparanthaman

Appellant : R.Backiarathi

Respondent : Director of Medical and Rural Development Services

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS DATED :

05. - 06 - 2013 CORAM The Hon'ble Mr.Justice D.Hariparanthaman
W.P.No.15059 of 2013 R.Backiarathi .. Petitioner Vs.

1. The Director, Medical and Rural Development Services, Chennai- 600 006.

2. The Joint Director, Medical and Rural Health Services, Pudukottai. ..
Respondents Writ Petition filed under Article 226 of the Constitution of India for the
issuance of a Writ of Mandamus, directing the respondents to consider and
appoint the Petitioner as Junior Assistant on compassionate appointment,
pursuant to G.O.(Nilai) No.165 Labour and Employment (Q-2) Department dated
30.08.2010 and G.O.(Nilai) No.96 Labour and Employment (Q-1) Department
dated 18.06.2012. For Petitioner : M/s.Balan Haridas For Respondents :
Mr.V.Subbiah Spl. Govt.Pleader

ORDER

Mr.V.Subbiah, the Special Government Pleader, takes notice on behalf of the respondents. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

2. The petitioner has come up with the present Writ Petition for issuance of a Writ, in the nature of Mandamus, directing the respondents to consider and appoint the Petitioner as Junior Assistant on compassionate ground, pursuant to G.O.(Nilai) No.165 Labour and Employment (Q-2) Department dated 30.08.2010 and G.O.(Nilai) No.96 Labour and Employment (Q-1) Department dated 18.06.2012.

3. The case of the petitioner, as given in the affidavit, filed in support of the Writ Petition is that the petitioner's mother, by name Mrs.K.Samyukthadevi, was working as Nurse in the Pudukottai District Hospital. The petitioner's mother, while in service died on 18.6.1998. Since the petitioner is the only daughter, she submitted an application on 30.06.1999, to the respondents seeking for an appointment on compassionate ground. Regarding the petitioner's application, the second respondent has sought for certain additional particulars. The petitioner did furnish the particulars, as sought for by the second respondent. Despite the same, the petitioner's application has not been considered by the respondents. The grievance of the petitioner is that when she went for counseling before the District Collector, Pudukottai, she was informed that since she got married, she is not entitled to get appointment on compassionate ground. Thereafter, she made repeated requests to the respondents to consider her application. Thereafter, the first respondent, vide communication, dated 26.11.2011, sought for some particulars, which was already furnished by the petitioner. It is also stated in the said communication that the application given by the petitioner in the year, 1999, was not available with the first respondent-Office and that the petitioner may be given appointment only after producing the application. In these circumstances, the petitioner is left with no other option, excepting to approach this Court by way of filing Writ Petition, seeking for aforesaid prayer.

4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

5. The learned counsel for the petitioner would contend that compassionate appointment could not be denied on the mere ground that the petitioner got married. In support of that contention, the learned counsel placed reliance upon the decisions rendered by me before the Madurai Bench of this Court in W.P.(MD) No.6763 of 2013, dated 23.4.2013 and W.P.(MD) No.5183 of 2013, dated 3.4.2013, wherein, an identical issue, raised herein has been dealt with in detail.

6. Thus, in the light of the judgments, referred supra, which squarely applies to the facts of the present case on hand, this Writ Petition deserves to be disposed of by directing the first respondent to consider the petitioner's claim. Accordingly, this Writ Petition is disposed of by directing the first respondent to consider the claim of the petitioner for compassionate appointment to the post of Junior Assistant, without reference to her marriage and pass appropriate orders on merits and in accordance with law as early as possible, preferably, within a period of eight weeks from the date of receipt of a copy of this order. No costs. sd To 1) The Director, Medical and Rural Development Services, Chennai- 600 006. 2) The Joint Director, Medical and Rural Health Services, Pudukottai

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