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**(2014) 09 MAD CK 0255**  
**In the Madras High Court**  
**Case No : W.P. (MD) No. 19984 of 2013**

M. Malathy

APPELLANT

Vs

The District Collector

RESPONDENT

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**Date of Decision :** 18-09-2014

**Acts Referred:**

**Citation :** (2014) 09 MAD CK 0255

**Hon'ble Judges :** K.K. Sasidharan, J

**Bench :** Single Bench

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## Judgement

K.K. Sasidharan, J.—This writ petition is directed against the order, dated 09.11.2010, whereby and whereunder the District Collector rejected the application for compassionate appointment.

2. The petitioner is the daughter of Thiru.Murugaiah. The father of the petitioner was a Village Assistant in Revenue Department. He died in harness on 06.09.2004. The deceased is survived by his widow and two daughters, including the petitioner.

3. The petitioner submitted an application for compassionate appointment on 16.09.2004. The application was not processed by the first respondent for years together. In the meantime, the petitioner got married on 11.07.2010. Immediately thereafter the first respondent passed the impugned order on 09.11.2010 rejecting the application for compassionate appointment on the ground that there is no provision for giving appointment to a married daughter. The petitioner submitted a representation to the Chief Minister Grievance Cell. The second respondent pursuant to the said request passed another order on 03.07.2013, whereby and whereunder the application was once again rejected on the ground that the mother of the petitioner is employed as Anganwadi Assistant. Those two orders are under challenge in this writ petition.

4. Even though sufficient time was granted, the respondents have not filed counter affidavit and as such, I am constrained to decide the matter on the basis

of available materials.

5. The father of the petitioner during the course of his employment as Village Assistant died on 06.09.2004. The petitioner submitted an application for compassionate appointment on 16.09.2004. The impugned order passed by the first respondent contain a statement that the application was made on 20.12.2004. Therefore, it is clear that the application was given immediately after the death of the sole breadwinner of the family.

6. The first respondent was excepted to decide the application for compassionate appointment within a reasonable period. The first respondent kept the application pending for years together. In the meantime, the mother of the petitioner was engaged as Anganwadi Assistant. It was not an appointment on regular basis. The said appointment was given under a scheme. The petitioner got married on 11.07.2010. These two subsequent events were taken as grounds to reject the application for compassionate appointment.

7. The very concept of compassionate appointment is evolved with a view to help the family to tide over the difficulties caused on account of the sudden death of the breadwinner of the family. In case the application for compassionate appointment is kept pending for years together, it would not serve any purpose.

8. The application was kept pending by the first respondent at- least from 20.12.2004. The District Collector cannot be heard to say that the petitioner should remain unmarried till the application for compassionate appointment is taken up for consideration.

9. The additional affidavit filed by the petitioner shows that her husband is a coolie. The mother of the petitioner is presently employed as Anganwadi Assistant. It was not a substantive appointment. It was pursuant to a scheme, she was appointed as Anganwadi Assistant. I am, therefore, of the view that the impugned order suffers from total non application of mind.

10. In the result, the impugned orders are set aside. The first respondent is directed to consider the case of the petitioner on merits and as per law and in the light of the Government Order in G.O. Ms.No.165, dated 30.08.2010. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

11. In the result, the writ petition is allowed. No costs.