

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.4.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.12504 of 2015

P.Shanmugavel

..Petitioner

vs.

1. The Government of Tamil Nadu
Tourism and Culture Department
Fort St.George Chennai-9.
- 2 The Principal Secretary/
Commissioner of Tourism Chennai-2. ..Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the respondents to appoint the petitioner as Junior Assistant with effect from 28.8.2008 in accordance with the provisions of G.O.Ms. No.1499, Labour and Employment Department, dated 03.8.1989 and grant him all consequential benefits.

For Petitioner : Mr.P.Rajendran

For Respondents : Mr.S.Gunasekaran
Government Advocate

सत्यमेव जयते
O R D E R

With the consent of both parties, the writ petition itself is taken up for final disposal.

2. The petitioner has come up with this writ petition for the issuance of a writ of mandamus, directing the respondents to appoint him as Junior Assistant with effect from 28.8.2008 in accordance with the provisions of G.O.Ms. No.1499, Labour and Employment Department, dated 03.8.1989 and grant him all consequential benefits.

3. The petitioner's father was working as Gardener at Panjalamkurichi Kattabomman Memorial Fort, Panchalamkurichi, Tuticorin District. He died while in service leaving the family in indigent circumstances on 15.8.2005. The petitioner submitted an application seeking compassionate appointment complying with all

the required formalities including submission of No Objection Letters from the other legal heirs.

4. According to the petitioner, he passed S.S.L.C in March 2013 and as such, he was qualified for appointment as Junior Assistant even at the time of submitting his application. According to him, he is entitled for appointment on compassionate ground for the post of Junior Assistant as per G.O.Ms.No.1499, Labour and Employment Department dated 03.8.1989.

5. The second respondent, in his letter No. 7361/ம/வ/ம-2-13. dated 30.1.2015, has stated that recommendation has already been made for appointment of the petitioner and the same is pending with the first respondent.

6. Since no follow up action was taken thereafter, the petitioner made a representation dated 03.10.2013 seeking appointment on Compassionate ground.

7. The learned counsel for the petitioner submitted that the petitioner would be satisfied in case a direction is issued to the first respondent to pass orders on the proposal pending with him relating to the Compassionate appointment of the petitioner.

8. In view of the narrow prayer now made, the writ petition is disposed of, directing the first respondent to pass orders on the pending proposal relating to Compassionate Appointment, in the light of the G.O.Ms.No.1499, Labour and Employment Department dated 03.8.1989, as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order.

9. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Government of Tamil Nadu
Tourism and Culture Department
Fort St.George Chennai-9.

2 The Principal Secretary/
Commissioner of Tourism Chennai-2.

1 cc to Mr.P.Rajendran ,Advocate, SR.No.23921/15

1 cc to Government Pleader,Sr.No23330/15

W.P.No.12504 of 2015

cnr (co) pmk.18.5.2015