

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.06.2015

CORAM

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

W.P.No.16148 OF 2015

S.Jagaveerapandian

[PETITIONER]

Vs

- 1 The Tahsildar
Cheyyur Taluk,
Kancheepuram District
- 2 The District Collector
Kancheepuram District
Kancheepuram.

[RESPONDENTS]

Writ petition is filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for the records relating to the order dated 2.3.2015 made in Na. Ka. 37938/2008/A4 on the file of the 2nd respondent herein and quash the same and consequently direct the respondents to grant appointment to the petitioner on compassionate grounds.

For Petitioner : Mr.C.Munusamy

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the admission stage itself.

2.The father of the petitioner was working as Village Administrative Officer at Puthirankottai Village, Cheyyur Taluk, Kancheepuram District and he died on 26.5.1998, while he was in service, leaving behind his wife, three sons and one daughter and mother. The petitioner is one of his sons. The mother of the petitioner applied for compassionate appointment to the elder brother of the petitioner in 1998 itself. When the process of appointment on compassionate ground to his elder brother is pending, the family decided to opt for compassionate appointment to the petitioner herein

and according to the petitioner, the entire family has no objection for giving compassionate appointment to him. But, the said request for providing compassionate appointment to the petitioner was rejected by the second respondent on 02.03.2015, on the ground that the petitioner's mother initially made the claim only for the eldest son of the deceased Government servant and while the matter is under consideration, the claim made for providing compassionate appointment to the petitioner herein who is the second son, cannot be accepted.

3. Heard the submissions made by the learned counsel appearing on either side and perused the materials available on record.

4. I am of the view that the impugned order is liable to be interfered with, since it is not the case of the second respondent that the elder son or any one of the members of family was opposing the grant of compassionate appointment to the petitioner herein. Further, it is also not the case of the second respondent that the appointment order on compassionate ground was already issued to the elder son of the deceased Government servant and admittedly the matter is only under process. In the mean time, a request was made to consider the claim of the petitioner for appointment on compassionate ground.

5. This Court in similar circumstances in the case of S.KANNAN v. THE MANAGING DIRECTOR, CHENNAI METROPOLITAN WATER SUPPLY & SEWERAGE BOARD, CINTADRIPET [CDJ 2015 MHC 968], directed the respondent therein to consider the claim on merits and in accordance with law.

6. Following the aforesaid decision of this Court, the Writ Petition is allowed and the order impugned in this Writ Petition is quashed and the matter is remanded to the second respondent to pass fresh orders, as claimed by the petitioner within a period of twelve weeks from the date of receipt of a copy of this order, in the light of the Judgment referred to above. No costs.

Sd/-

Assistant Registrar (J)

//True Copy//

Sub Assistant Registrar

rpa

To

1 The Tahsildar
Cheyyur Taluk,
Kancheepuram District

2 The District Collector
Kancheepuram District
Kancheepuram.

1 CC to Mr.C.Munusamy, Advocate SR.No. 27520

1 CC to the Government Pleader, SR.No. 28086

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SV (CO)
PSI (22.06.2015)



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