

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.03.2015

Coram

The Honourable Mr.Justice K.K.SASIDHARAN

W.P.No.24005 of 2014
and
M.P.Nos.1 and 2 of 2014

S.Ramachandran .. Petitioner

vs.

1.The Government of Tamil Nadu,
rep.by its Secretary,
Social Welfare & Nutritious Meal Department,
Fort St.George, Chennai-600 009

2.The Director,
Social Welfare & Nutritious Meal Department,
Arunachalam Street,
Chindadripet, Chennai-600 002

3.The District Collector,
Villupuam District,
Villupuram.

4.The Block Development Officer,
Panchayat Union, Thiruvennainallur,
Villupuram District-607 203

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus to call for the records pursuant to the impugned order Letter No.16882/SA.NA.4(3) 2014-2, dated 18.07.2014 passed by the first respondent and to quash the same consequently, direct the respondents to appoint the petitioner as Noon Meal Organizer on compassionate grounds in Social Welfare or any other Department.

For Petitioner : Mr.LESI Saravanan

For Respondents : Mr.P.S.Sivashanmugasundaram for R4
Mr.M.S.Ramesh,A.G.P. for R1 to R3

ORDER

The application submitted by the petitioner for compassionate appointment was rejected by the first respondent on the ground that the Government Order in G.O.Ms.No.198, dated 25.10.2007, does not provide for appointment of male person as Noon Meal Organizer.

2. The father of the petitioner, by name, P.Shanmugasundaram was employed as Noon Meal Organizer at Thiruvennainallur Panchayat Union Elementary School, Keerimedu, Villupuram District. He died in harness on 3.2.2002. The petitioner being the legal representative submitted an application for compassionate appointment. The application was recommended by the District Collector. However, without reference to the said recommendation, the first respondent rejected the application on the ground that only female candidates could be appointed as Noon Meal Organizer. The said order is under challenge in this writ petition.

3. The fourth respondent filed a counter affidavit justifying the impugned order.

4. Heard the learned counsel for the respective parties.

5. There is no dispute that the father of the petitioner was appointed as Noon Meal Organizer. While in service, he died in harness on 3.2.2002. Admittedly, the petitioner has given an application for compassionate appointment within the cut off period. The application was recommended by the District Collector, by proceedings dated 26.11.2012. The first respondent, before rejecting the request for compassionate appointment, failed to consider the recommendation made by the District Collector. The District Collector in the said proceedings dated 26.11.2012 made a strong recommendation to relax the condition and to appoint the petitioner as Noon Mean Organizer. It is also matter a of record that the first respondent relaxed the condition in respect of few others and they have also been appointed as Noon Mean Organizers by order dated 18.8.2010. The petitioner is similarly placed and as such, he should also be given the very same indulgence.

6. The Government Order permits relaxation, provided, the applicant satisfies the other eligibility criteria. It is not the case of the first respondent that the petitioner does not meet the eligibility criteria. The recommendation made by the District Collector was not taken note of by the first respondent before rejecting the plea for compassionate appointment. I am therefore of the view that the matter requires fresh consideration by the respondent.

7. In the result, impugned order is set aside and the matter

is remitted to the first respondent for fresh consideration. The first respondent is directed to consider and dispose of the application submitted by the petitioner for compassionate appointment, in the light of the recommendation made by the District Collector, dated 26.11.2012 and the appointment orders issued in respect of others, dated 23.12.2009, by relaxing the condition. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

8. The writ petition is allowed to the extent indicated above. No costs. Connected miscellaneous petitions are closed.

msk

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary,
The Government of Tamil Nadu,
Social Welfare & Nutritious Meal Department,
Fort St.George, Chennai-600 009
- 2.The Director,
Social Welfare & Nutritious Meal Department,
Arunachalam Street,
Chindadripet, Chennai-600 002
- 3.The District Collector,
Villupuam District,
Villupuram.
- 4.The Block Development Officer,
Panchayat Union, Thiruvennainallur,
Villupuram District-607 203.

- 1 cc to Government Pleader, Sr.No13921
1 cc to Mr. LESI Saravanan Advocate, SR.No.13802
1 cc to Mr.M.Devendran ,Advocate, SR.No.12410

W.P.No.24005 of 2014

sai(co)
pmk.24.3.2015