

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 26.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No.33729 of 2015

K.Senthil Kumar

...Petitioner

Vs.

1 Government of Tamil Nadu
Represented by Secretary to Government
Public Health and Family Welfare Department
Secretariat, Fort St.George
Chennai -600 009.

2 The Director
Medical and Rural Health Services
Chennai - 600 006.

3 The Additional Director
Medical and Rural Health Services
Chennai - 600 006.

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents to consider and pass orders on Petitioner's representations dated 02.06.2015 and 07.09.2015 by appointing the petitioner to any suitable post on compassionate grounds with all other consequential benefits in accordance with the orders passed in WP No.33151/2012 dated 13.12.2012 within a time frame to be fixed by this Honourable Court.

For Petitioner : Ms.K.Nithyashree
for M/s.Gridhar & Sai

For Respondents : Mr.S.Gunasekaran
Govt. Advocate

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner would state that his father was appointed as Junior Assistant on 15.09.1981 and was regularised in the said post with effect from 25.06.1984 and got his promotion as Assistant on 16.12.1993. It is further stated by the petitioner that during the year 1998, his father has suffered the decease of meniac depressive psychosis and diabetes mellitus and hypertension and availed leave from 12.09.1998 to 01.03.2000 in piecemeal. Thereafter, he requested for medical invalidation and accordingly, he was referred to the Medical Board and based on the medical examination, the father of the petitioner was invalidated from service with effect from 30.04.2000. The father of the petitioner submitted a representation dated 19.12.2000 seeking appointment to his daughter viz., Manjula on compassionate ground. However, due to ban on fresh appointments, including appointment on compassionate grounds, the said representation dated 19.12.2000 was not processed. In the interregnum, the petitioner has completed his S.S.L.C. as well as H.Sc. and his sister viz., Manjula got married and therefore, the father of the petitioner submitted a representation dated 18.05.2004 seeking appointment on compassionate ground in respect of his son viz., the petitioner herein. During February 2005, the ban for appointment was lifted. The petitioner's representation was also forwarded to the Director Medical and Rural Health Services, Chennai for appropriate direction on 26.05.2010 and since he has not been favoured with any response he filed W.P.No.33151 of 2012 praying for appointment on compassionate ground to any one of the suitable post and the said writ petition was disposed on 13.12.2012 by directing the petitioner to submit a copy of the representation dated 20.12.2010 to the 1st respondent within a period of two weeks and on receipt of the same, the 1st respondent was directed to consider and dispose of the same on merits and in accordance with law within a stipulated time. The 2nd respondent also sent a communication dated 25.4.2015 to the petitioner informing that since the petitioner did not submit a representation as directed by this court, his name cannot be considered. Thereafter, the petitioner submitted a representation dated 7.5.2015 to the 3rd respondent praying for his appointment on compassionate ground. Since no response is forthcoming, he came forward to file the present writ petition.

3. Heard the submissions of Ms.K.Nithyashree, learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate, who accepts notice for the respondents.

4. Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the case, directs the 1st respondent to consider the petitioner's representation dated 07.05.2015 and pass orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

This Writ Petition is disposed of accordingly. No costs.

sd/
ASSISTANT REGISTRAR (CS-V)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

Rj

To

1 The Secretary to Government
Public Health and Family Welfare Department
Secretariat, Fort St.George
Chennai -600 009.

2 The Director
Medical and Rural Health Services
Chennai - 600 006.

3 The Additional Director
Medical and Rural Health Services
Chennai - 600 006.

+1 CC to MR.M/s.Gridhar & Sai Advocate. SR.NO. 58149

+1 CC to Govt.Pleader. SR.NO. 58101

W.P. No.33729 of 2015

CO-CTK

JD 05/11/2015