

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.32355 of 2013 and
M.P.No.1 of 2013

K.Palanisamy

...Petitioner

Vs.

1.The District Collector,
Coimbatore District, Coimbatore.

2.The Sub-Collector,
Coimbatore District,
Pollachi, Coimbatore.

3.The Tahsildar,
Udumalaipet Taluk, Udumalaipet,
Coimbatore District.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified mandamus, calling for the records pertaining to order in Na.Ka.No.19409/12/AA4, dated 04.12.2012 passed by the 3rd respondent and quash the same and consequently direct the respondents to provide suitable employment to the petitioner on compassionate basis befitting to his qualifications.

For Petitioner : Mr.M.Murugan

For Respondents : Mr.M.S.Ramesh

Additional Govt.Pleader

O R D E R

The application submitted by the petitioner for compassionate appointment was rejected on the ground that his father has rendered only 4 years 8 months and 9 days of service and as such, he is not eligible for compassionate appointment.

2. The petitioner is the legal representative of Thiru.Kanchimalai, who worked as Village Assistant. The initial appointment was made on 27.12.1983. Subsequently, his services were regularized with effect from 01.01.1984. While so, on 09.03.2000, Thiru Kanchimalai died in harness leaving the petitioner, his mother and sister.

3. The petitioner submitted an application for compassionate appointment on 24.04.2000. The third respondent kept the matter pending for years together and ultimately rejected it on the ground that the father of the petitioner has not rendered five years of continuous service for consideration of appointment on compassionate basis. The said order is under challenge in this writ petition.

4. Even though sufficient time was given to the respondents to file counter affidavit, the fact remains that counter affidavit has not been filed by the respondents so far.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader on behalf of the respondents.

6. The application submitted by the petitioner for compassionate appointment was rejected only on the ground that his father has not completed five years of regular service. While rejecting the application on the ground of failure to complete five years of service, the third respondent omitted to take into account the appointment order dated 27.12.1983 appointing the father of the petitioner as Village Assistant. It is true that only with effect from 01.01.1984, his services were regularized. But that would not mean that earlier services would go without counting it at least for the purpose of calculating total service. I am therefore of the view that the third respondent was not correct in rejecting the application on the ground that the deceased has not completed five years of service.

7. In the result, the impugned order dated 04.12.2012 is set aside. The third respondent is directed to forward the application submitted by the petitioner for compassionate appointment to the first respondent forthwith. The first respondent is directed to consider the said application in the light of the appointment order dated 27.12.1983 and the total period of service rendered by Thiru.Kanchimalai from 27.12.1983 to 09.03.2000. Such exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

8. The writ petition is allowed as indicated above. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

svki

To

1.The District Collector,
Coimbatore District, Coimbatore.

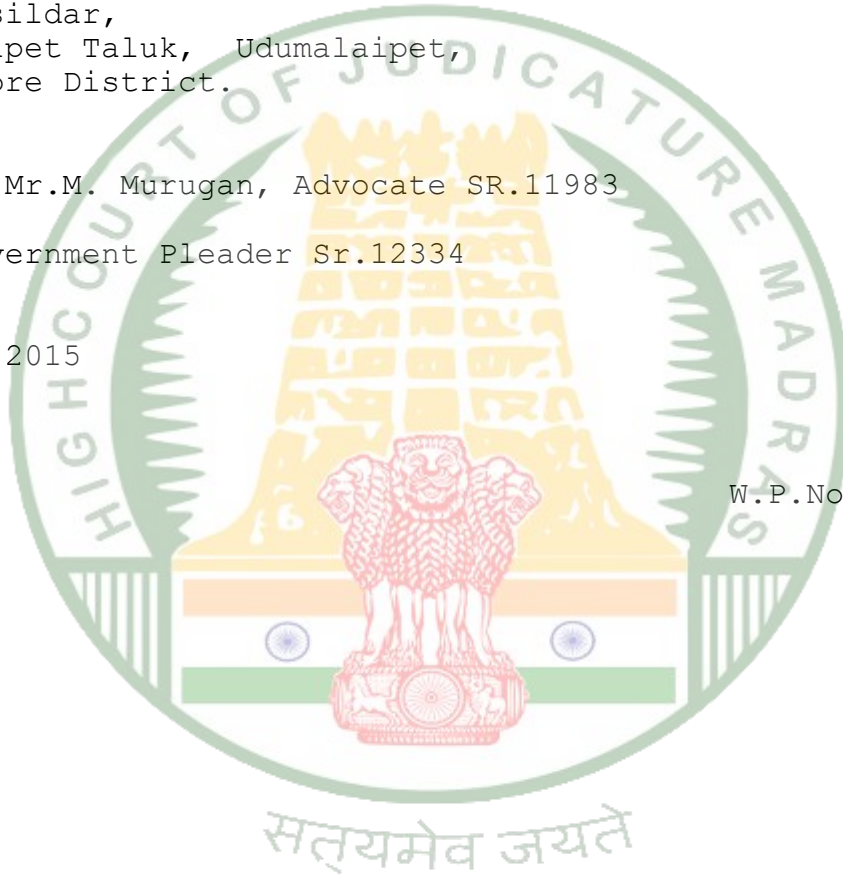
2.The Sub-Collector,
Coimbatore District,
Pollachi, Coimbatore.

3.The Tahsildar,
Udumalaipet Taluk, Udumalaipet,
Coimbatore District.

+ 1 cc to Mr.M. Murugan, Advocate SR.11983

+ 1 cc Government Pleader Sr.12334

KK(CO)
EU 23.03.2015



W.P.No.32355 of 2013

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