

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.6121 of 2015

N.Mythili

... Petitioner

Vs

1. The District Collector,
Erode District, Erode.
2. The Revenue Divisional Officer,
Revenue Division Office,
Gopichettipalayam, Erode District.
3. The Tahsildar,
Taluk Office,
Sathyamangalam, Erode District. ... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified mandamus, calling for the records of the 2nd respondent relating to his proceedings dated 09.04.2013 in Mu.Mu.11952/12/A4 and quash the same and consequently direct the respondents to give appointment to the petitioner under compassionate grounds.

For Petitioner : Mr.R.T.Doraisamy

For Respondents : Mr.P.Sanjay Gandhi,
Additional Government Pleader

O R D E R

The petitioner is the daughter of Thiru.S.T.Nagaraj, who worked as Village Assistant at Sathyamangalam. The father of the petitioner died on 01.01.2003. The mother of the petitioner made an application for compassionate appointment on 13.11.2003. Since follow up action was not taken by the respondents, the petitioner filed a fresh application on 08.06.2011. The said application was rejected by the third respondent by order dated 09.04.2013 on the ground that application was given belatedly.

2. In the mean time, the third respondent traced out the file and by proceedings dated 21.03.2014 informed the first respondent that the application submitted by the petitioner is available. The petitioner now seeks to quash the impugned order dated 09.04.2013 and to consider her case for compassionate appointment based on the proceedings dated 21.03.2014 on the file of the third respondent.

3. The application submitted by the petitioner for compassionate appointment was rejected by the third respondent only on the ground that connected files could not be traced out. The third respondent in his letter dated 21.03.2014 made it clear that the file is now available for consideration. Such being the factual position, I am of the view that the impugned order is liable to be set aside.

4. In the result, the impugned order dated 09.04.2013 is set aside. The third respondent is directed to forward the papers to the first respondent for consideration of the case of the petitioner for compassionate appointment. The application made by the petitioner should be considered in the light of the application submitted by her mother on 13.11.2003. The first respondent is directed to consider and dispose of the matter as expeditiously as possible and in any case within a period of three months from the date of receipt of a copy of this order.

5. The writ petition is allowed to the extent indicated above. No costs.

Sd/-

Assistant Registrar(R)

//True Copy//

Sub Assistant Registrar

svki/gya

सत्यमेव जयते

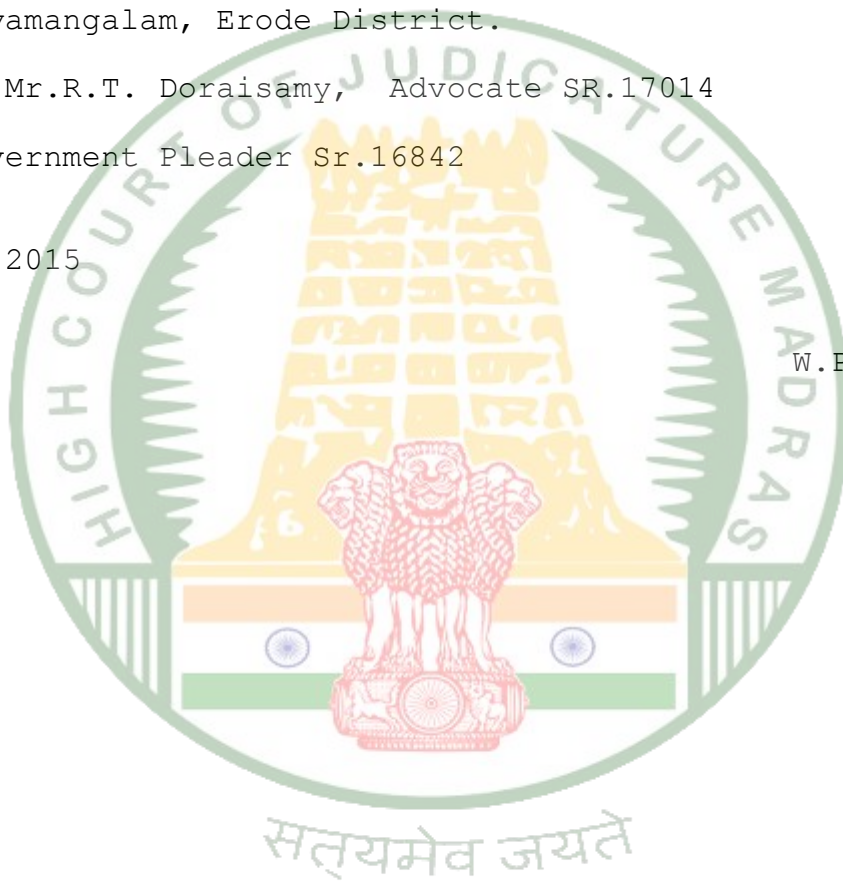
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To

1. The District Collector,
Erode District, Erode.
 2. The Revenue Divisional Officer,
Revenue Division Office,
Gopichettipalayam, Erode District.
 3. The Tahsildar,
Taluk Office,
Sathyamangalam, Erode District.
- + 1 cc to Mr.R.T. Doraisamy, Advocate SR.17014
- + 1 cc Government Pleader Sr.16842

TS(CO)
EU 10.04.2015

W.P.No.6121 of 2015



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