



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Appeal (MD) No.1115 of 2015

and

MP (MD) No. 2 of 2015

1.The Commissioner of
Animal Husbandry and Veterinary Services,
Chennai 6.

2.The Regional Assistant Director,
Veterinary Department, Karur.

3.The Assistant Director,
Veterinary and Husbandry Department,
Karur.

... Appellants

Vs.

R.Periyasamy

... Respondent

Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 01.04.2015 made in W.P.(MD)No.10950 of 2012.

Prayer in WP(MD). 10950/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, call for the records relating to the proceedings in Na.Ka.No.42615/N3/06 dated 26.03.2009 of the 1st respondent read along with subsequent impugned proceedings dated 06.06.2009 in Na.Ka.No.1224/B/09 of 3rd respondent and quash the same and direct the respondents to consider the petitioner s application dated 15.11.2000 for compassionate appointment in the respondent department.

For Appellants : Mr.A.K.Baskarapandian,
Special Government Pleader.

JUDGMENT

(Judgment of the Court was delivered by V.RAMASUBRAMANIAN, J)

The State has come up with the above appeal challenging an order passed by the learned Judge allowing a writ petition filed by the respondent for compassionate appointment.



2. Heard Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for the appellants.

3. The respondent's father who was working as a Veterinary Assistant died in harness way back on 13.12.1982. At that time, the respondent was a toddler. He attained majority on 02.02.1998 and applied for appointment on compassionate grounds on 15.11.2000.

4. The first appellant called upon the respondent to produce necessary documents on 26.04.2001. After perusing all the documents and certificates, the second appellant recommended the case of the respondent for appointment, by proceedings dated 29.08.2003.

5. However, the correspondences between various authorities continued for a period of about 9 years and ultimately culminated in an order of rejection. The rejection was challenged by the respondent in W.P(MD)No.10950 of 2012. The learned Judge allowed the writ petition and directed appointment on compassionate grounds. Hence, the State is on appeal.

6. In paragraph 8, the learned Judge was given four reasons for allowing the writ petition filed by the respondent. They are as follows:-

"8. The impugned orders of the respondents 1 and 3 are not valid and liable to be set aside for the following reasons:-

a) At the time of death of the petitioner's father, the petitioner was a minor.

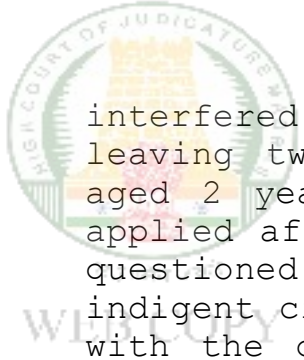
b) After he attained majority, he made an application for appointment on compassionate ground. The same was entertained by the respondents, but appointment was not issued due to ban on recruitment.

c) Subsequently, the request of the petitioner was considered and his name was kept in the waiting list and sent for training for the posts of Veterinary Inspector

d) Having entertained the application of the petitioner beyond three years of death of his father and having given training for the post of Veterinary Inspector, it is not upon the petitioner to reject the request for appointment on compassionate ground".

7. The main contention of the learned Special Government Pleader is that the fourth reason was factually incorrect. According to him, the respondent's father was not given training for the post of veterinary Inspector.

8. Assuming that the fourth reason was factually incorrect, the other reasons are such that they cannot be



interfered with. It appears that the respondent's father died leaving two minor children one aged 5 years and the respondent aged 2 years. Therefore, it is but natural that the respondent applied after attaining majority in 1998. The appellants have not questioned the claim of the respondent that they were living in indigent circumstances. Therefore, we find no reason to interfere with the order of the learned Judge. Hence, the writ appeal is dismissed. No costs. Consequently, M.P(MD)No.2 of 2015 is closed.

sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of
Animal Husbandry and Veterinary Services,
Chennai 6.
2. The Regional Assistant Director,
Veterinary Department, Karur.
3. The Assistant Director,
Veterinary and Husbandry Department,
Karur.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 64793

SMS

TE/KBM/ 17/11/2015 : 3P/5C

Writ Appeal (MD) No.1115 of 2015
and

MP (MD) No.2 of 2015
03.11.2015