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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.07.2015
CORAM:
THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN
W.P.(MD)No.12960 of 2015

K.Ramuthai

... Petitioner

Vs.

1.The Commissioner,
Fisheries Department,
Thenampet, Chennai - 6.

2.The Assistant Director,
Fisheries Department,
Madurai. ... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 1st respondent in his proceedings in Na.Ka.No.11369/M3/2006, dated 09.07.2015, quash the same as illegal and consequently, direct the 1st respondent to appoint the petitioner on compassionate ground within the time stipulated by this Court.

For Petitioner : Mr.J.Jeyakumaran
For Respondents : Mr.K.Mahesh Raja, G.A.

ORDER

The petitioner has filed the Writ petition, seeking an order to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 1st respondent in his proceedings dated 09.07.2015 in Na.Ka.No.11369/M3/2006, quash the same as illegal and consequently, direct the 1st respondent to appoint the petitioner on compassionate ground, within a time frame.

2.Mr.K.Mahesh Raja, learned Government Advocate takes notice for the respondents. By consent, the Writ petition itself is taken up for final disposal.

3.When the matter is taken up for hearing, it is represented by the learned counsel appearing for the petitioner that the 1st respondent has rejected the request of the petitioner only on the ground that the petitioner is a married person and hence, the married daughter will not be entitled for compassionate ground.

4.It is the case of the petitioner that the petitioner's father, who was working as a Fisherman in the 2nd respondent Office, died on 10.07.2000, while he was in service. In the year 2001, the petitioner's elder brother has made an application to the respondents, seeking appointment on compassionate ground along with educational certificates. As the educational certificates were found bogus, a criminal case has been registered against the petitioner's brother and the same is still pending. Thereafter, on 03.07.2014, the petitioner made a representation to the 2nd respondent, seeking appointment on compassionate ground. The 2nd respondent by a proceedings dated 11.07.2014, directing the petitioner

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to approach the 1st respondent. Accordingly, on 23.06.2015, the petitioner has made a representation to the 1st respondent. However, on 08.07.2015 the 1st respondent has rejected the request of the petitioner on the ground that she is a married woman and that she is not entitled for the relief. Challenging the said order, the petitioner is before this Court with the present Writ petition.

5.Considering all the facts, the impugned order dated 09.07.2015 is set aside and the matter is remanded back to the 1st respondent to consider the case of the petitioner afresh and pass a detailed order, after affording an opportunity of hearing to the petitioner, within a period of 2 months from the date of receipt of a copy of this order.

6.The Writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To
1.The Commissioner, Fisheries Department,
Thenampet, Chennai - 6.

2.The Assistant Director,
Fisheries Department, Madurai.

+1cc to MR.T.JEYAKUMARAN, Advocate in SR.No. 41205
+1CC THE SPECIAL GOVERNMENT PLEADER, IN SR.NO. 41622

Nbj
SR : 03.08.2015 : 2p/5c

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