



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P. (MD) No.21759 of 2015

WEB COPY

Yoganathan

:Petitioner

Vs.

1.The District Collector,
Pudukkottai District.

2.The Union Commissioner,
Kunnandar Kovil Union,
Pudukkottai District.

3.The Commissioner,
Social Welfare and Nutritious Meal
Programme Department, Chennai,

4.The Secretary to Government,
Social Welfare and Nutritious
Meal Programme Department,
Chennai, Fort.St.George, Chennai 600 009.

:Respondents

[R-3 and R-4 impleaded vide order dated 15.12.2015]

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus directing the respondents to consider him for appointment as Noon Meal Organizer on the compassionate ground for the death of his father.

For Petitioner : Mr.M.Ramu

For Respondents : Mr.S.Satheeshkumar

Additional Government Pleader

O R D E R

Mr.S.Satheeshkumar, the learned Additional Government Pleader, takes notice for the respondents. By consent, the Writ Petition is taken up for disposal at the stage of admission itself, as the matter lies in a narrow compass.

2. The father of the petitioner was working as a Noon Meal Organizer from 07.04.1983 to 27.03.2009 and at the time of death, he was serving at Pokkichakkiranpatti Primary School. While he was in service, the father of the petitioner expired on 23.07.2009. The mother of the petitioner pre-deceased the father of the petitioner. As the petitioner is the only legal heir, he approached the second respondent seeking appointment on compassionate ground. Since no action has been taken, the petitioner has filed the present Writ Petition seeking a direction to the respondents to consider him for appointment on compassionate ground to the post of Noon Meal Organizer.

3 It is brought to the notice of this Court by the learned Additional Government Pleader appearing for the respondents that the first respondent sent a proposal in Na.Ka.V5/17348/2007, dated 22.11.2010, to the Commissioner, Social Welfare and Nutritious Meal Programme



Department, Chennai, seeking to get appropriate orders of relaxation for the appointment of the petitioner on compassionate ground from the Government, since no male person could be appointed in the Noon Meal Organization Department, as per the Government Order.

4. As stated above, since the first respondent, the District Collector, Pudukkottai, sent a proposal to the Commissioner, Social Welfare and Nutritious Meal Programme Department, Chennai, I am of the view that the said authority has to be impleaded as the third respondent in the Writ Petition. Likewise, the Secretary to Government, Social Welfare and Nutritious Meal Programme Department, Chennai, Fort.St.George, Chennai 600 009, also has to be impleaded as the fourth respondent in the Writ Petition, as the power is vested only with the Government to give necessary relaxation. Accordingly, the above said authorities are impleaded as the respondent Nos.3 and 4 in the Writ Petition.

5. In these circumstances, the Writ Petition is disposed of directing the Commissioner, Social Welfare and Nutritious Meal Programme Department, Chennai, the newly impleaded third respondent, to pass appropriate orders on the proposals sent by the first respondent in Na.Ka.V5/17348/2007, dated 22.11.2010, within a period of six weeks from the date of receipt of a copy of this order. After passing orders, the third respondent is directed to forward his communication to the fourth respondent, viz., the Secretary to Government, Social Welfare and Nutritious Meal Programme Department, Chennai, who, in turn, is directed to consider the same and pass appropriate orders granting relaxation in the matter of providing appointment on compassionate ground to the petitioner in the Social Welfare and Nutritious Meal Programme Department, in any post other than the post of Noon Meal Organizer. The Government is directed to pass appropriate orders within a period of eight weeks from the date of receipt of copy of the proposal from the third respondent. No costs.

Sd/-

Assistant Registrar(Crl.side)

/True Copy/

Sub Assistant Registrar(CS)

To

1.The District Collector, Pudukkottai District.

2.The Union Commissioner, Kunnandar Kovil Union,
Pudukkottai District.

3.The Commissioner, Social Welfare and Nutritious Meal
Programme Department, Chennai,

4.The Secretary to Government, Social Welfare and Nutritious
Meal Programme Department, Chennai, Fort.St.George, Chennai 600 009.

+1cc to M/s.M.Ramu, Advocate in SR.72382

+1cc to the Special Government Pleader, in SR.72350

W.P. (MD) No.21759 of 2015

DATED - 15.12.2015