

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.5758 of 2014

Gowrishankar

... Petitioner

vs.

1.The District Collector,
Collectorate,
Krishnagiri District.

2.The Director,
General Health Department,
No.3501, D.M.S. Complex,
Thenampet, Chennai-6.

3.The Joint Director,
General Health Department Building,
Near R.T.O. Office,
District Collector Office Behind,
Krishnagiri District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider the claim of the petitioner seeking compassionate appointment.

For Petitioner :Mr.M.Guruprasad

For Respondents :Mr.Gunasekaran,
Addl. Govt. Pleader

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider his claim of compassionate appointment.

2. It is the case of the petitioner that the marriage between his father Gopal and mother Pappal was solemnized on 22.5.1986 and out of their wedlock, the petitioner was born on 5.5.1987. After two years from marriage, due to some misunderstanding, the petitioner's parents started living

separately. Thereafter, the petitioner and his mother filed a petition in C.M.P.No.5 of 1992 before the learned Judicial Magistrate, Palladam, seeking maintenance from his father. Though the said petition was allowed, his father was not prompt in paying the maintenance. In the year 1998, the petitioner's mother joined as a Cook in BC hostel. While so, the petitioner's father died on 10.4.2008, while he was in service. After his death, the petitioner's mother approached the respondents in person for several occasions and sought for the benefits of pension and job. But, the respondents did not consider her request. In this regard, the petitioner made an application dated 3.4.2013 to the respondents 2 and 3 seeking compassionate appointment. However, the third respondent informed him that his father Gopal had nominated one Saranya Devi as his nominee. The petitioner's mother is the legally wedded wife of Gopal and he has not married anybody other than the petitioner's mother. Hence, the petitioner made a detailed representation to the first respondent on 1.4.2013. Thereafter, the third respondent in his proceedings dated 27.6.2013, had sent a communication to the second respondent raising certain queries. But, even after lapse of eight months, there is no progress in his application. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

4. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the third respondent to consider the application of the petitioner dated 3.4.2013 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioner and it is for the third respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Collectorate,
Krishnagiri District.

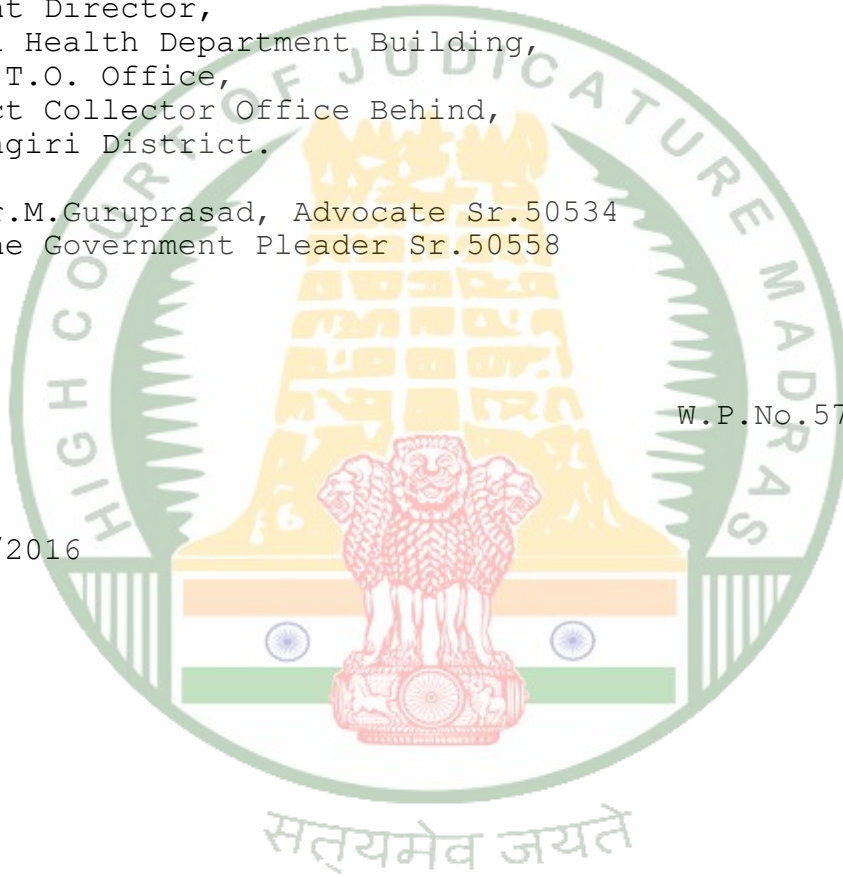
2.The Director,
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3.The Joint Director,
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District Collector Office Behind,
Krishnagiri District.

+1cc to Mr.M.Guruprasad, Advocate Sr.50534
+1cc to the Government Pleader Sr.50558

W.P.No.5758 of 2014

gj[col]
srg 22/09/2016



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