

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.17737 of 2015

R.Valarmathi

... Petitioner

Vs.

1. The District Collector  
Ariyalur District,  
Ariyalur.
2. The District Collector  
Perambalur District,  
Perambalur.
3. The Revenue Divisional Officer  
Ariyalur District,  
Ariyalur.
4. The Principal Commissioner  
Revenue (Administration),  
Chepauk,  
Chennai.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records connected with the order dated 27.10.2014 passed by the 1st respondent in Na.Ka.A3 - 13163 - 2013, quash the same and consequently direct the respondents to give an employment to petitioner's son namely R.Chandrasekar on Compassionate grounds to the petitioners.

For Petitioner : Mr.Y.Kaja Navas

For Respondents : Mr.S.Gunasekaran  
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Certiorarified Mandamus calling for the records connected with the order dated 27.10.2014 passed by the first respondent in Na.Ka.A3 - 13163 - 2013, quash the same and consequently direct the respondents to give an employment to the petitioner's son namely R.Chandrasekar on Compassionate grounds.

3.The petitioner would state that her husband was working as a Village Administrative Officer and he died on 26.07.2002 while he was in service. The petitioner made several representations seeking employment on compassionate grounds and also for pension and other benefits of her husband, but they were not considered. Hence, she filed W.P.No.26488 of 2011 and this Court vide interim order dated 30.11.2011, directed the respondents to disburse the terminal benefits of the petitioner's husband to her. Even, thereafter the petitioner sent several representations, seeking for appointment on compassionate grounds and they were rejected on the ground that she has not sent the representation within a period of three years from the date of her husband's death. Hence, challenging the same, the present writ petition has been filed.

4.The learned counsel appearing for the petitioner submitted that the petitioner has given representation seeking appointment on compassionate grounds as early as on 16.02.2004 itself, which is within a period of three years from the date of death of her husband and further submitted that the petitioner is having acknowledgement to show that the representation was made within a period of three years from the date of death of her husband. Thus, he sought for setting aside the impugned order and prayed for consequential direction to consider the representation afresh.

5.The learned Additional Government Pleader appearing for the respondents has filed a detailed counter stating that as per the direction of this Court, the terminal benefits of the petitioner's husband has been disbursed to her.

6.Insofar as the appointment on compassionate grounds is concerned, the learned Additional Government Pleader pointing out the counter affidavit would state that though it is stated that the petitioner had applied for compassionate grounds posting on 16.02.2004, it has been reported from the integrated Perambalur District that as per the Perambalur District Collector's Proceedings No.Rc.A4/37019/2006 dated 19.02.2007, the name of the petitioner was not placed in the eligible waiting and seniority list and it is said that the petitioner's application dated 16.02.2004 for compassionate appointment is not found in any of the office. That is the reason why the

first respondent has passed the impugned order and prayed for dismissal of the writ petition.

7. Heard the submissions of the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

8. Irrespective of the submissions made on either side, since the learned counsel appearing for the petitioner states that the petitioner is having acknowledgement to show that the representation was made within a period of three years from the date of death of her husband, this Court is of the opinion that one more opportunity should be given to the petitioner to put forth her contentions. Hence, the impugned order dated 27.10.2014, is set aside and the matter is remanded back to the first respondent. The petitioner is directed to produce all the relevant documents to show that the application seeking compassionate appointment was made within a period of three years from the date of her husband's demise and on filing such proof, the first respondent is directed to consider the same and pass appropriate orders, purely on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

9. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents to decide the matter, purely on merits.

10. The writ petition is disposed of accordingly. No costs.

Sd/-  
Assistant Registrar(CO)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

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To

1. The District Collector  
Ariyalur District,  
Ariyalur.
2. The District Collector  
Perambalur District,  
Perambalur.

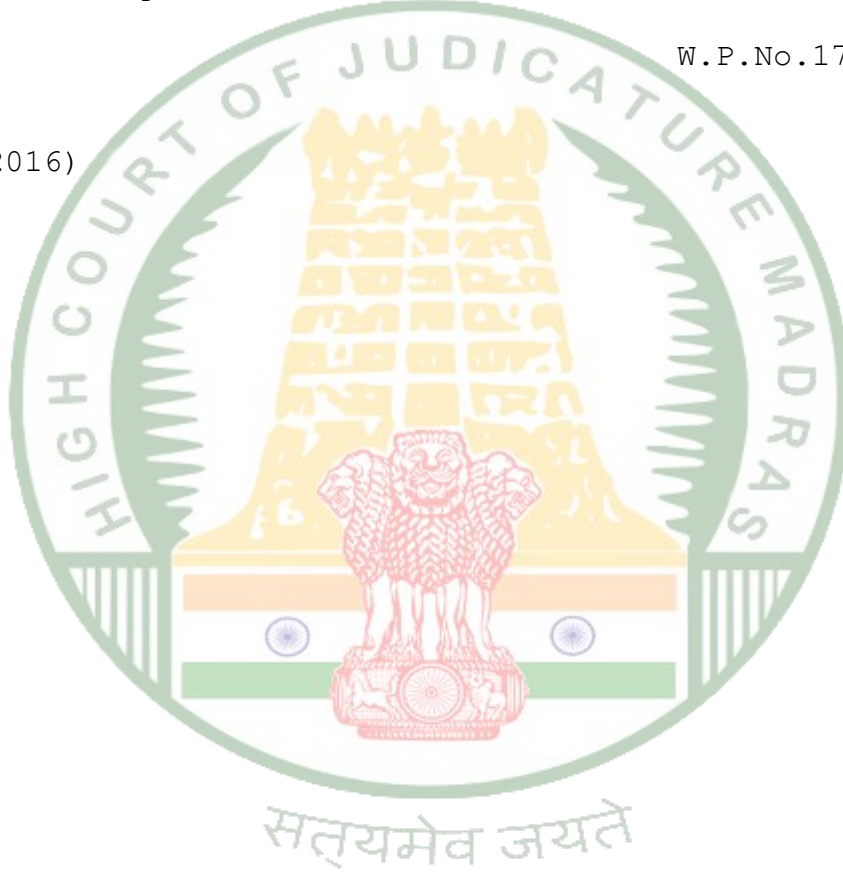
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3. The Revenue Divisional Officer  
Ariyalur District,  
Ariyalur.
4. The Principal Commissioner  
Revenue (Administration),  
Chepauk,  
Chennai.

+2cc's to Mr.Y.Kaja Navas, Advocate, S.R.No.57358

W.P.No.17737 of 2015

NR(CO)  
CA(19/10/2016)



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