

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.05.2016

Coram

The Honourable Mr.Justice M.V.MURALIDARAN

W.P.No.18520 of 2016
and WMP.Nos.16203 and 16204 of 2016

K.Naganandham

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. By Secretary to Government,
Public Works Department,
and Water Resources Department,
Secretariat, Chennai-9.
- 2.The Engineer-in-Chief,
Water Resources Department and
Chief Engineer (General),
Public Works Department,
Chepauk, Chennai-5.
- 3.The Executive Engineer,
Public Works Department,
Water Resources Department,
Cauvery Basin Division @, Mayiladuthurai,
Nagapattinam District.
- 4.The Assistant Executive Engineer,
Public Works Department,
Water Resources Department,
Cauvery Sub-Division,
Sirkazhi Taluk,
Nagapattinam District.

... Respondents

Prayer: This writ petition is filed under Article 226 of Constitution of India, seeking a writ of Certiorarified Mandamus calling for the records of the respondents in connection with the proceedings of the 4th respondent issued in Na.Ka.No.760/Ko.37/2014/A.E.E.C/dated 07.11.2014 and quash the same and to consequently direct the respondents to consider the claim of the petitioner for compassionate appointment in the light of the judgment passed by this Court dated 07.04.2016 in "The Director General of Police, Chennai and other Vs. R.Manikandan" as referred to in the petitioner's representation

dated 29.04.2016 and pass appropriate orders thereon and to provide the compassionate appointment to the petitioner herein, commensurate with his qualification and eligibility.

For Petitioner : Mr.K.Arunagiri

For Respondents : Mrs.P.Kavitha, Govt.Advocate

O R D E R

The petitioner is the legal heir of S.Kanapathi, who was employed as Office Assistant in the office of the Assistant Executive Engineer, Public Works Department, Sirkazhi and died in harness on 03.10.2000, leaving behind the petitioner, his step mother, three elder sisters and younger brother as legal heirs.

2. At the time of death of his father, the petitioner was a minor aged 6 years, hence, he could not make any application for compassionate appointment. According to the petitioner, his sister Krishnaveni submitted an application to the authorities to register his name for compassionate appointment. Thereafter, the petitioner, on attaining the age of 18 years, approached the office of the 4th respondent and made a detailed representation dated 24.03.2014, however, the same was not sent through Registered Post. To the shock and dismay of the petitioner, the 3rd respondent, by his proceedings dated 30.10.2014, declined the claim for compassionate appointment. Further, the 4th respondent by Government Order No.120 dated 07.11.2014 also pointed out that the application for appointment on compassionate ground should be made within three years of the death of Government Servant. According to the petitioner, the order of rejection is on untenable ground, since by Government Order No.120 dated 07.11.2014, it has only been reiterated that from the date of death of Government Servants including where the Government Servant died while in service even prior to 26.06.1995, the time limit for filing application for compassionate appointment is 3 years. Thus, challenging the proceedings of the 4th respondent dated 07.11.2014, the petitioner filed the present Writ Petition.

3. Now, the learned counsel for the petitioner restricted his arguments and prayed for a direction to the respondents to consider the petitioner's representation dated 29.04.2016 and pass orders thereon.

4. Considering the nature of the petitioner's case and on a perusal of the documents produced before this court, I am inclined to direct the respondents to consider and pass orders on the representation of the petitioner dated 29.04.2016 within

a period of four weeks from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of accordingly. No costs. Consequently, connected WMPs are closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
The Government of Tamil Nadu,
Public Works Department,
and Water Resources Department,
Secretariat, Chennai-9.
- 2.The Engineer-in-Chief,
Water Resources Department and
Chief Engineer (General),
Public Works Department,
Chepauk, Chennai-5.
- 3.The Executive Engineer,
Public Works Department,
Water Resources Department,
Cauvery Basin Division @, Mayiladuthurai,
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- 4.The Assistant Executive Engineer,
Public Works Department,
Water Resources Department,
Cauvery Sub-Division,
Sirkazhi Taluk,
Nagapattinam District.

+1cc to Mr.K.Arunairi, Advocate Sr.28927
+1cc to the Government Pleader SR.28842

W.P.No.18520 of 2016

ks[co]
srg 31/05/2016