

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.19677 of 2014  
& M.P.No.1 of 2014

G.Jayaprakash

..Petitioner

Vs.

1.The Commissioner and Director of  
Animal Husbandry & Veterinary Services,  
Block II, D.M.S.Complex,  
Chennai - 600 006.

2.The Assistant Director of Animal Husbandry  
& Veterinary Services, Salem.

... Respondents

PRAYER : Writ Petition has been 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 of the first respondent passed in Na.Ka.No.39611/EE2/07 dated 18.08.2009 and the order of the second respondent in O.Mu.No.456A/2014 dated 26.03.2014 and to quash the same and consequently directing the respondent to consider the petitioner for employment on compassionate ground and to appoint the petitioner as Livestock Inspector.

For Petitioner : M/s.S.T.P.Kuilmozhi

For Respondents : Mr.A.Kumar  
Special Government Pleader

O R D E R

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the first respondent passed in Na.Ka.No.39611/EE2/07 dated 18.08.2009 and the order of the second respondent in O.Mu.No.456A/2014 dated 26.03.2014 and to quash the same and consequently directing the respondent to

consider the petitioner for employment on compassionate ground and to appoint the petitioner as Livestock Inspector.

2.The petitioner's father served in the respondent-Department as Typist and died on 20.09.1986, while he was in service. Thereafter, the petitioner submitted his representation dated 15.06.1994 seeking appointment on compassionate ground. On 20.11.1997, the second respondent directed the petitioner to submit all his certificates in respect of educational qualification and after verification, he was empanelled in the list of eligible compassionate candidates and his serial number was assigned as No.194. According to the petitioner, the first respondent called for application dated 23.10.2001 for the post of Livestock Inspector Training and asked the petitioner to submit all the original certificates for verification and also on 12.11.2008, the second respondent called for the petitioner's willingness to undergo Livestock Inspector Training and he submitted his willingness. It is his further submission that on 13.08.2009 the first respondent passed the order stating that the petitioner is not eligible for the appointment on compassionate ground because of efflux of time after death of his father and on 26.03.2014, the second respondent communicated the impugned order. The petitioner has got no other alternative except to approach this Court to quash the impugned order dated 26.03.2014 and hence, the Writ Petition has been filed.

3.M/s.S.T.P.Kuilmozhi, the learned counsel for the petitioner would submit that there were five applicants in this particular post seeking appointment on compassionate ground. In support of his submission, he relied upon the judgment of the Hon'ble Division Bench of this Court in W.A.Nos.323 and 718 of 2015 dated 10.06.2015 wherein the respondents were directed to consider the case of the writ petitioners.

4.Mr.A.Kumar, learned Special Government Pleader for the respondent would contend that the petitioner made application belatedly. Therefore, his request was rejected by the respondents. However, he would submit that the respondents will consider the case of the petitioner, for future vacancies.

5.Heard both sides.

6.In this case, no doubt, the date of death of the petitioner's father was on 20.09.1986 but the application was made for the first time by the petitioner only on 15.06.1994 and thereafter, his application was entertained and it was kept in Serial No.194 in the seniority list for appointment on the compassionate ground.

7.Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the respondents to consider the petitioner for employment on compassionate ground, if any future vacancy arises, as already his name was found place in Sl.No.194 in the seniority for compassionate appointment, and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible.

8.The Writ Petition is allowed accordingly. Consequently, connected Miscellaneous Petitions are closed. No costs.  
sri

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner and Director of  
Animal Husbandry & Veterinary Services,  
Block II, D.M.S.Complex,  
Chennai - 600 006.

2.The Assistant Director of Animal Husbandry  
& Veterinary Services, Salem.

+ 1 cc to The Govt.Pleader, Sr 31926

KR/24/6/16

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