

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2016

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

Writ Petition No.5107 of 2015

V.Purushothaman

... Petitioner

Vs.

1. The The State of Tamil Nadu
rep. by its Secretary to Government,
Environment and Forest Department,
Fort St. George,
Chennai-9."
2. The Principal Chief Conservator of Forest &
Head of the Department,
Panagal Building,
Saidapet, Chennai-15.
3. The District Forest Officer,
Thiruvallur Division,
O/o.The District Collector Campus,
Thiruvallur.

... 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 petitioner's claim with regard to compassionate appointment in the light of the judgment of the Hon'ble First Bench of this Court in W.A.No.524 of 2012 dated 16.04.2012.

For Petitioner : Ms.K.Jenitha

For Respondents : Mr.R.Rajeswaran,
Special Government Pleader

ORDER

The Writ Petition has been filed seeking a direction, directing the respondents to consider the petitioner's claim with regard to compassionate appointment in the light of the judgment of the Hon'ble First Bench of this Court in W.A.No.524 of 2012 dated 16.04.2012.

2. It is submitted by the Writ Petitioner that his father, who was working as Plot Watcher died on 30.09.2011 leaving behind his mother, three daughters besides the petitioner. He made an application on 05.02.2012 for compassionate appointment. The said application is still pending with the respondents.

3. The learned Special Government Pleader appearing for the respondents has taken my attention to paragraph 6 of the Counter Affidavit that the petitioner's father died on 29.09.2011 before his service was regularised and thus, he was holding the post which is temporary in nature.

4. Per contra, the learned Counsel for the petitioner producing a copy of the Service Register of the Writ Petitioner would contend that though the deceased employee was holding a post which is temporary in nature, as per the judgment of the Hon'ble First Bench of this Court in W.A.No.524 of 2012 dated 16.04.2012, his services ought to have been regularised and the petitioner is entitled for compassionate ground appointment.

5. Heard the submissions made on either side.

6. Without going into the merits of the case, a direction is issued to the respondents to consider the application of the petitioner dated 05.02.2012 on merits and in accordance with law and also by considering the relevant Government Orders and also in the light of the judgment of the Hon'ble First Bench of this Court in W.A.No.524 of 2012 dated 16.04.2012, within a period of eight weeks from the date of receipt of a copy of this Order.

7. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
State of Tamil Nadu,
Environment and Forest Department,
Fort St. George,
Chennai-9."

2. The Principal Chief Conservator of Forest &
Head of the Department,
Panagal Building,
Saidapet, Chennai-15.

3. The District Forest Officer,
Thiruvallur Division,
O/o.The District Collector Campus,
Thiruvallur.

+lcc to Ms.K.Jenitha, Advocate, S.R.No.57610

+lcc to the Government Pleader, S.R.No.57658

W.P.No.5107 of 2015

KS(CO)
CA(07/11/2016)



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