

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 23.11.2016

CORAM

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.A. NO. 1195 OF 2016

R.Geetha

.. Appellant

- Vs -

1. The Union of India
rep. By its Secretary to Govt.
Petroleum & Natural Gas Dept.
New Delhi.
2. The Chairman
Indian Oil Corporation Ltd.
Scope Complex, Core-2
No.7, Institutional Area
Lodhi Road, New Delhi 110 003.
3. The General Manager (HR)
Indian Oil Corporation Ltd.
Marketing Division, Southern Region
Indian Oil Bhavan
No.139, Nungambakkam High Road
Chennai 600 034.
4. The Executive Director
Indian Oil Corporation Ltd.
Southern Regional Office
No.139, Nungambakkam High Road
Chennai 600 034.

.. Respondents

Appeal filed under Clause 15 of the Letters Patent, against the order of the learned Single Judge made in W.P. No.38556 of 2015 dated 15.04.2016 filed under Article 226 of the constitution of India praying to issue writ of certiorarified Mandamus to call for the records pertaining to the impugned order dated 18.06.2014 on the file of the 3rd Respondent quash the same and issue consequential direction directing the respondents to reinstate the petitioners son Mr.Ravi in service by considering his period of absence as break in service due to unavoidable circumstances or if its is not possible for any reason they may be directed to permit me the Petitioner to avail of the benefit of post-retirement medical attendance facility on onetime payment of Rs.698/- extended for the rehabilitation of

the family of the employee while in service contribution of the benefit of ex-gratia payment introduced by the Respondents in the year 2003, by considering the petitioners representation dated 1.6.2014.

For Appellant : Mrs. R.Geetha, Party-in-Person
For Respondents: Mr. V.Karthick, SC, for
M/s. T.S.Gopalan & Co. for RR-2 to 4

JUDGMENT
(DELIVERED BY HULUVADI G.RAMESH, J.)

The husband of the appellant died in harness and as per the policy of the respondent Corporation, on the exercise of option by the appellant, the 2nd son of the appellant was provided with compassionate employment. While the 2nd son of the appellant was working as such, his brother, viz., the 1st son of the appellant died. As the younger brother and sister of the 2nd son of the appellant were suffering from cerebral palsy and since there being no one to take care of the disabled persons and the appellant also being of old age, without understanding the repercussions, the 2nd son of the appellant resigned from service and his resignation was accepted. However, later realising the difficulties in running the day to day affairs of the household, representation was submitted for reconsidering the case of the appellant's son for appointment with continuity of service, which request was rejected. Hence, left with no alternative, the appellant preferred the writ petition, which was dismissed by the learned single Judge against which the present appeal is filed.

2. Heard the appellant, who appeared as party-in-person and the learned senior counsel appearing for respondents 2 to 4.

3. It is not in dispute that the appellant's son had voluntarily left the job offered to him on compassionate appointment. The reason offered by the appellant's son for leaving the job is that his younger brother and sister, who are suffering with physical disability, needs constant care and attention in person and, therefore, to attend to their needs, the appellant's son had resigned the job. However, the appellant feels the difficulty monetarily after the resignation of her son and pleads that his continuance in the job with the respondent Corporation is of utmost importance for taking care of the entire family and, therefore, pleads that the respondent Corporation may be pleased to consider the representation submitted for continuance of her son in employment of the respondent Corporation.

4. Be that as it may. After hearing the party-in-person and the learned senior counsel appearing for the respondent Corporation, this Court suggested to the learned senior counsel

appearing for the respondent Corporation that the respondent Corporation may consider the case of the appellant's son, who was previously employed with the respondent Corporation, sympathetically for re-employment, if he is otherwise not disqualified. Though it was brought to the notice of this Court that there is inordinate delay in filing the petition, and though this Court is not inclined to issue a mandamus, however, this Court is of the opinion that taking into consideration the overall circumstances and the fact of unblemished record of service of the appellant's husband, the respondent Corporation may, as a special case, consider the representation of the appellant for re-employment of her son, without counting the period of service already put in by the appellant's son as fresh candidate taking into account the critical position pleaded by the appellant in the affidavit and also the service rendered by the appellant's husband in the respondent Corporation.

5. Accordingly, the writ petition is disposed of with the aforesaid observation. However, in the circumstances of the case, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

GLN

To

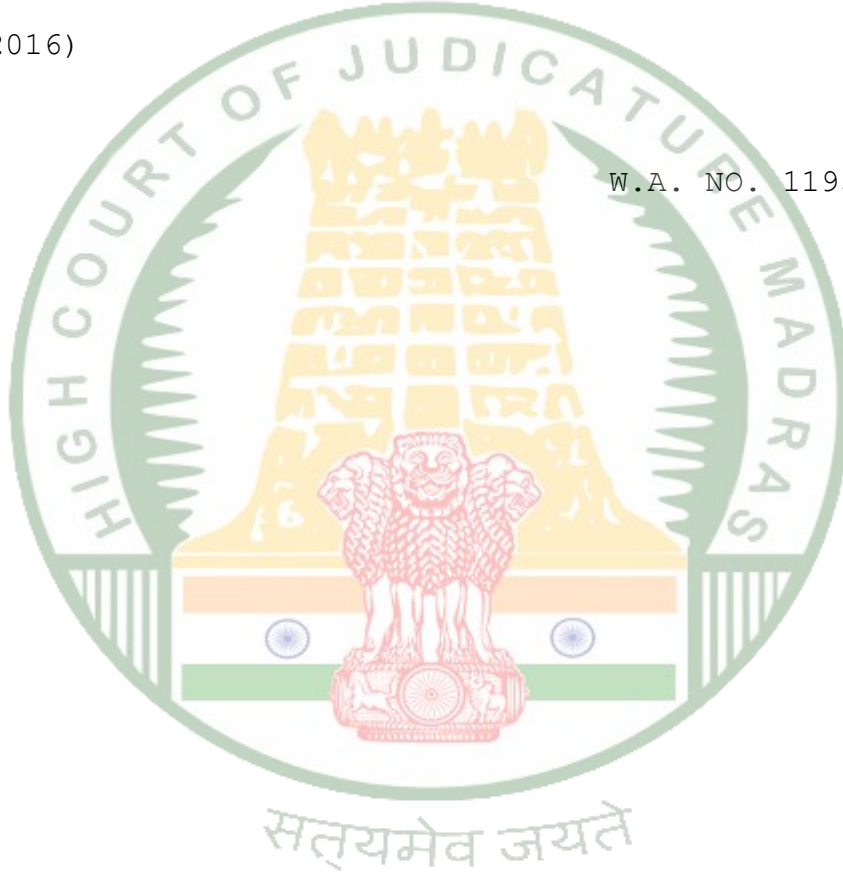
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+1cc to M/s. P.S. Gopalan & co.,, Advocate, S.R.No.68244
+1cc to Mr.R. Geentha Party-in-person, Advocate, S.R.No.68241

MV(CO)
EU(09/12/2016)

W.A. NO. 1195 OF 2016



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