

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.27609 of 2016

S. Priyadharshini

.. Petitioner

Versus

1. The State rep by, its Principal Secretary to Government Social Welfare and Nutritious meal programme department, Secretariat, Chennai-600 009.
2. The District Collector, Villupuram District, Villupuram.
- 3.The personal Assistant to district Collector, (Noon meals) Villupuram District, Villupuram.
4. The Block Development Officer Melmalayanur Panchayath Union, Melmalayanur, Villupuram District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent herein to appoint the petitioner as organizer at Panchayath Union Primary School at Nochalur village on compassionate grounds, or commensurate with her qualification in any suitable post under the control of the fourth respondent herein.

For Petitioner : Mr.N.Elumalai

For Respondents : Mr. R.S.Selvam

Government Advocate for R1 to R3

Mr.K.Thangapandi

Government Advocate for R4

ORDER

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

<https://hcservices.ecourts.gov.in/hcservices/>

2. This Writ Petition has been filed for issuance of a Writ of Mandamus, to direct the second respondent herein to

appoint the petitioner as Noon Meal organizer at Panchayat Union Primary School at Nochalur Village on compassionate grounds commensurate with her qualification in any suitable post or in any other place under the control of the fourth respondent herein.

3. The case of the petitioner is that the petitioner's mother viz., S.Jeeva died on 26.05.2001, while working as organizer in Nutritious meal centre at Panchayath Union Primary School at Kodambadi, Melmalaayanur Panchayath Union, Villupuram District. At the time of her mother's death, the petitioner was aged 6 years old. After the death of her mother, the petitioner and her family members struggled to meet even the day to day expenses. After attaining majority, the petitioner submitted an application dated 25.03.2013 seeking for appointment on compassionate grounds to the second respondent. On receipt of the same, the second respondent forwarded it to the fourth respondent. According to the petitioner, along with the application dated 25.03.2013, she has enclosed all requisite documents to the fourth respondent herein in support of her claim. The fourth respondent, on receipt of the application from the petitioner, sent a proposal to the third respondent herein and recommended to consider the petitioner's application for appointment on compassionate grounds. It is further stated that the petitioner also continuously approached the second respondent herein seeking appointment on compassionate grounds in any suitable posts commensurate with her qualification. However, the second respondent refused the petitioner's claim on the ground that there is no post vacant for appointing her on compassionate grounds and her claim will be considered as and when vacancy arises. Thereafter, after lapse of two years, the fourth respondent once again sent a proposal to the second respondent to appoint the petitioner as organizer at panchayath union primary school at Nochalur on compassionate grounds. On the basis of such proposal, the petitioner also gave several representations to the second respondent herein, seeking for appointment in any establishment which falls under the control of the fourth respondent on compassionate grounds. However, till date, the claim of the petitioner for appointment on compassionate grounds has not been considered by the respondents, hence, the present writ petition is filed.

4. Heard both sides. It is seen from the records that the fourth respondent by his communication dated 26.02.2016 sent a proposal to the second respondent to consider the claim of the petitioner for appointment on compassionate grounds. Admittedly, on the basis of such proposal dated 26.02.2016, the second respondent has not passed any order. Therefore, it is suffice to issue a direction to the second respondent to pass orders on the said proposal on merits and in accordance with law, as expeditiously as possible.

5. Accordingly, the second respondent is directed to consider the proposal dated 26.02.2016 sent by the second respondent for considering the claim of the petitioner for

appointment on compassionate grounds in any suitable post and to pass orders thereon on merits and in accordance with law as expeditiously as possible.

6. With the above direction, this Writ Petition is disposed of. No costs.

arr/rsh

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The State rep by, its Principal Secretary to Government Social Welfare and Nutritious meal programme department, Secretariat, Chennai-600 009.
2. The District Collector, Villupuram District, Villupuram.
3. The personal Assistant to district Collector, (Noon meals) Villupuram District, Villupuram.
4. The Block Development Officer Melmalayanur Panchayath Union, Melmalayanur, Villupuram District.

+ 1 CC TO MR.N.ELUMALAI, ADVOCATE SR 44952
+ 1 CC TO MR.K.THANGAPANDI, ADVOCATE SR 45429
+ 1 CC TO THE GOVT.PLEADER, SR 45191

KR/1/9/16

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