

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.08.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.29076 of 2016 and
W.M.P.No.25129 of 2016

M.Saravanan

.. Petitioner

Vs

- 1.State of Tamil Nadu
rep. by Secretary to Government
Revenue Department
Fort St.George, Chennai 9.
- 2.State of Tamil Nadu
rep. by Secretary to Government
Labour and Employment Department
Fort St.George, Chennai 9.
- 3.The District Collector
Krishnagiri
Krishnagiri District.
- 4.The Tahsildar
Pochampalli, Krishnagiri District.

.. Respondents

Petition filed under Section 226 of the Constitution of India for the issuance of writ of Certiorarified Mandamus to call for the records of the respondents in connection with the impugned order issued by the third respondent in Na.Ka.18803/2012/A3 dated 03.08.2015 and quash the same and further direct the respondents 1 and 3 to provide appointment on compassionate ground.

For Petitioner : Ms.S.Christina Elizabeth

For Respondents : Mr.S.Gunasekaran
Additional Government Pleader

O R D E R

Heard, Ms.S.Christina Elizabeth, learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Additional Government Pleader. By consent of the counsel appearing on either side, the writ petition is taken for final disposal.

2.The petitioner has come forward with this Writ Petition, challenging the order passed by the third respondent dated 03.08.2015, in and by which petitioner's request for appointment on compassionate ground has been rejected.

3.It is the case of the petitioner that due to the sudden demise of his father, who has worked as Village Assistant attached to the Office of the fourth respondent, has submitted an Application on 03.07.2012, for appointment on compassionate ground, along with the consent letter from the other legal heirs and other relevant documents, before the fourth respondent. The petitioner has also submitted periodical reminders. However, on 03.08.2015, the third respondent rejected the petitioner's request on the ground that the petitioner is over aged. Hence, the petitioner has filed this Writ Petition.

4.According to the petitioner, aggrieved by the said order of the third respondent dated 03.08.2015, he preferred an Appeal before the first respondent on 19.01.2016, by referring G.O.(2D) No.36 Revenue (Employment-9(3) Department dated 13.01.2014 and the same is pending.

5.When this Court questioned the petitioner, any proof for filing the Appeal, it is stated that he filed the Appeal in person and hence he could not produce any acknowledgment.

6.Considering the facts and circumstances of the case and as the petitioner has got an effective appellate remedy, liberty is granted to the petitioner to file a fresh appeal before the first respondent, as expeditiously as possible, preferably within a period of one week from the date of receipt of a copy of this order and when such appeal is filed and if the same is in order, the first respondent shall consider the Appeal and pass appropriate orders, on merits and in accordance with law, within a period of ten days from the date of filing of the appeal.

The Writ Petition is disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.State of Tamil Nadu
rep. by Secretary to Government
Revenue Department
Fort St.George, Chennai 9.

2.State of Tamil Nadu
rep. by Secretary to Government
Labour and Employment Department
Fort St.George, Chennai 9.

3.The District Collector
Krishnagiri
Krishnagiri District.

4.The Tahsildar
Pochampalli, Krishnagiri District.

+1cc to the Government Pleader Sr.48654

+1cc to Ms.S.Christina Elizabeth, Advocate sr.48062[15/09/2016]

सत्यमेव जयते

W.P.No.29076 of 2016

svi[col]
srg 12/09/2016

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