

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.31472 of 2016

M.Indumathi

... Petitioner

Vs.

1 The Director of Agriculture,
Chepakam, Kamarajar Road,
Chennai – 600 005.

2 The Joint Director of Agriculture, Coimbatore ,
Agricultural Department,
Govt. College of Technology,
Coimbatore – 13.

3 The Agricultural Development Officer,
(Extension of Agricultural Department)
Madukarai, Coimbatore – 641 105.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to appoint the petitioner in any employment on compassionate ground considering the petitioners representation dated 19.1.2016.

For Petitioner : Mr.J.Stalin
For Respondents : Mr.C.Jagadish
Special Government Pleader

ORDER

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus to direct the respondents to appoint the petitioner in any employment on compassionate ground considering the petitioner's representation dated 19.01.2016.

3.In the affidavit filed in support of this writ petition it has been averred that the petitioner's father worked in the second respondent department from 27.02.1972 and he died on 02.04.1999, leaving behind his wife and two daughters including the petitioner. The petitioner and her sister Kavibharathi were minors aged about 16 and 13 years respectively, and the petitioner's mother applied for employment on compassionate ground as per G.O.256 within three years on 03.01.2000 and on 15.07.2003, the respondent vide communication dated 14.02.2002 made in Letter No.48440/AA4/2001-02 has communicated that the appointment on compassionate ground has been banned by the Government and the second respondent has returned the original certificates placed before him along with the original application seeking appointment.

4.It is further averred that the said ban was removed for fresh

appointments as per G.O.No.16, dated 21.02.2006 and the petitioner and her sister became major and since the petitioner has also completed her Higher Secondary Education, on 05.09.2006, the petitioner along with her mother approached the second respondent requesting employment on compassionate grounds to her instead of her mother. On 28.12.2006, the second respondent through his proceedings instructed the petitioner's mother to produce the entire documents and immediately, the petitioner produced the required records and again on 04.07.2007, the petitioner made representation to the respondent, but there was no reply. Hence the petitioner asked for information under the Right to Information Act and on 14.09.2011, the Joint Director of Agriculture, Coimbatore stated that her application has been forwarded to the first respondent and she will be appointed on seniority basis, but no orders were passed for a long time and once again, the Joint Director of Agriculture, Coimbatore through his proceedings in Ka.No.A.4/382/2011 dated 02.01.2012 confirmed the earlier statement and thereafter, there was no communication. Hence, the petitioner again made a representation to the respondents on 19.01.2016 and that representation was also not considered. Hence, this petition.

5.Heard the submissions of the learned counsel appearing for

the petitioner and the learned Special Government Pleader who takes notice for the respondents.

6.This Court without going into the merits of the claim projected by the petitioner, directs the respondents to consider the representation of the petitioner dated 19.01.2016, on merits and in accordance with law and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

7.The writ petition is disposed of accordingly. No costs.

09.09.2016

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Index: Yes/ No Internet: Yes/ No
To

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R.SUBBIAH,J.

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