

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.31602 of 2016

P.Saravanan

... Petitioner

vs.

1.The Dean,

Government Stanley Hospital,
Chennai - 1.

2.The Director of Medical Education,
Kilpauk, Chennai - 10.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus to direct the respondents to consider and pass an order on the representations submitted by the petitioner on 9.7.2009, 23.5.2011, 13.4.2012, 17.8.2012 and lastly on 9.5.2016 in the light of the facts and circumstances mentioned in the affidavit and also taking into account the petitioner's family situation and financial destitution sympathetically, appointing the petitioner in any one of the posts under the control of the first respondent under the scheme of compassionate ground appointment, within the time limit as deem fit by this Court.

For Petitioner : Mr.R.Baskaradoss

For Respondents : Mr.N.Srinivasan,
Addl. Govt. Pleader

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider and pass an orders on his representations dated 9.7.2009, 23.5.2011, 13.4.2012, 17.8.2012 and lastly on 9.5.2016 in the light of the facts and circumstances mentioned in the affidavit

and also taking into account his family situation and financial destitution sympathetically and appoint him in any one of the posts under the control of the first respondent under the scheme of compassionate ground appointment, within the time limit as deem fit by this Court.

3. It is the case of the petitioner that his father V.Palani, who was working as Waterman in the office of the first respondent died on 10.10.2008, while he was in service. Hence, the petitioner by representation dated 9.7.2009 applied for compassionate appointment. Considering his application, the then Administrative Officer of the first respondent office informed him that he studied plus 2 course and therefore, it was very difficult to get appointment in Government Service. Further, he orally instructed the petitioner to submit an application for his younger brother, who has failed in X Standard. Based on his instruction, the petitioner's brother P.Nandakumar has also submitted his application on 26.8.2009 seeking suitable post on compassionate grounds. However, his request was rejected by the first respondent on the ground that the wife of the deceased was working on the date of death i.e., on 10.10.2008. While so, his mother had died on 18.5.2011. Hence, again on 23.5.2011, the petitioner submitted another representation seeking suitable appointment on compassionate grounds. Following the same, he has also submitted reminder applications on 13.4.2012 and 17.8.2012 along with the copies of certificates and no objection certificates given by his younger brothers and younger sister. But, till date, the respondents have not considered the same. The petitioner's wife deserted him and the petitioner has to look after his two children. He belongs to Scheduled Caste Community and deserves to be appointed in the State Government service under compassionate grounds. Hence, finally, he sent a detailed representation to the first respondent on 9.5.2016 to consider his case sympathetically. Since the same was also not considered, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the first respondent to consider the representation of the petitioner dated 9.5.2016 seeking appointment on compassionate grounds and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that

this Court has not expressed any opinion with regard to the claim projected by the petitioner and it is for the first respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sbi

To

1.The Dean,
Government Stanley Hospital,
Chennai - 1.

2.The Director of Medical Education,
Kilpauk, Chennai - 10.

1 cc to Mr.R.Baskaradoss, Advocate, sr.51574

1 cc to Government Pleader, sr.51929

W.P.No.31602 of 2016

kgk co
kra 17.10.2016

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