

cv IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.31673 of 2016

K.Kalaiarasan

...Petitioner

vs.

1. The Government of Tamil Nadu
rep. by Secretary to Government,
Public Health and Family Welfare
Department, Secretariat,
Chennai - 9.
 2. The Director of Family Welfare,
Chennai - 6.
 3. The Deputy Director of Medical,
Rural Health Services and Family Welfare,
The Nilgiris, Uthagamandalam.
- ...Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to grant appointment to the petitioner as a member of the basic service on compassionate grounds within a stipulated time frame as deemed fit by this Court.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.S.Gunasekaran,
Additional Government 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 grant appointment to him as a member of the basic service on compassionate grounds within a stipulated time frame as deemed fit by this Court.

3. It is the case of the petitioner that his father T.K.Krishnasamy was working as a Driver in Government Primary Health Centre, Pandalur, Nilgiris District. He was placed under suspension with effect from 2.3.1985. While he was under suspension, he expired on 13.4.1993. Immediately, the petitioner's mother approached the authorities seeking retirement and pensionary benefits and compassionate appointment. However, the authorities had informed her that unless his father's suspension was revoked, there is no question of entertaining her claim. Subsequently, after 15 years from the date of death of his father, his suspension was revoked by proceedings dated 21.8.2008. Thereafter only, the terminal benefits were disbursed. The petitioner's mother once again submitted an application for appointment on compassionate grounds to the petitioner along with required certificates including the no objection certificates from the other legal heirs. In this regard, the third respondent had submitted a clear and categorical proposal to the second respondent by his proceedings dated 29.12.2009. After two years, the first respondent directed the second respondent to produce various certificates as specified in his proceedings dated 18.8.2011. In turn, the third respondent in his proceedings dated 28.8.2011 directed the petitioner to produce all the certificates specified in the proceedings dated 18.8.2011 and the petitioner has also produced the same. Thereafter, the second respondent through his letter dated 31.12.2012, seems to have requested the first respondent to pass appropriate orders enabling grant of appointment on compassionate grounds to the petitioner. However, after 15 months, the first respondent informed the petitioner that the application has been submitted after 16 years from the date of death of his father and there is no provision to grant appointment to the petitioner. Thereafter, the second respondent by proceedings dated 31.1.2014 directed the third respondent to furnish true reasons for the delay in

submission of the petitioner's application. Thereafter, there is no progress in this matter. Hence, the petitioner approached this Court by filing the present writ petition seeking a direction to the respondents to grant appointment to him on compassionate grounds.

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 petitioner to send a detailed representation by enclosing all the necessary documents to the first respondent, seeking compassionate appointment, along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the said representation by taking note of the financial condition of the petitioner sympathetically and pass appropriate orders, on merits and in accordance with law, within a period of ***eight** weeks thereafter. The writ petition is disposed of accordingly. No costs.

***Further, the petitioner is also permitted to send a detailed representation by enclosing all the necessary documents to the first respondent, seeking compassionate appointment, along with a copy of this order, within a period of two weeks from today.**

Sd/-
Assistant Registrar (J)
Dated : 27.09.2016

***Corrected as per order of this
court dated 07.11.2016 in
W.P.No.31673 of 2016
Sd/- Assistant Registrar
Dated:09.11.2016**

/true copy/

Sub Asst. Registrar

sbi

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To

1. The Secretary to Government,
Public Health and Family Welfare
Department,
Secretariat,
Chennai - 9.

2. The Director of Family Welfare,
Chennai - 6.

3. The Deputy Director of Medical,
Rural Health Services and
Family Welfare,
The Nilgiris, Uthagamandalam.

1 CC to Mr.M.Ravi, Advocate, SR. **63608**

1 CC to Government Pleader, SR 51922

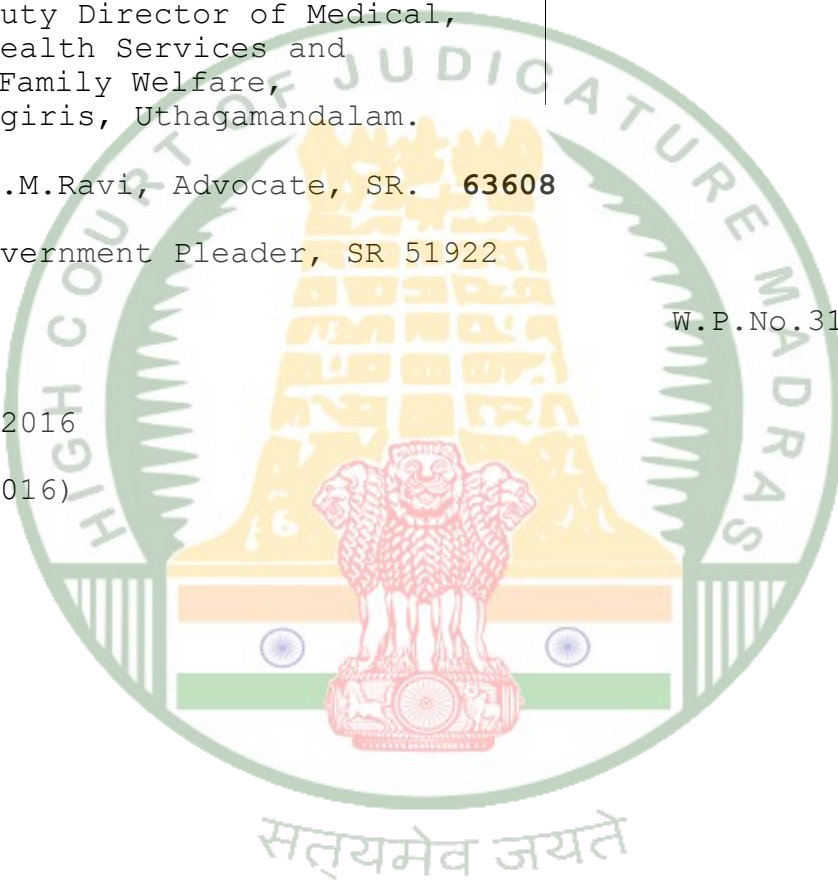
GJ II (CO)
PSI 05/10/2016

CA(09.11.2016)

To be substituted to the
order already despatched

on 19.10.2016

W.P.No.31673 of 2016



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