

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 29.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.32766 of 2016

& W.M.P.No.28341 of 2016

R.Jayachandran

... Petitioner

-vs-

1.Government of Tamil Nadu,
Represented by Secretary to Government,
Home (Police) Department,
Secretariat, Chennai - 600 009.

2.The Director General of Police,
Tamil Nadu, Chennai - 60 0004.

3.The Superintendent of Police,
Uthagamandalam,
Nilgiris District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records of the third respondent relating to the order in Na.Ka.No.A2/13876/2015 dated 25.08.2015, to quash the same and to issue consequential direction to the respondents to give appointment to the petitioner on compassionate grounds, consequent on the death of the petitioner's father, Thiru.J.Rajendran, while in service as Police Constable, Grade I, (No.839/N1) in upper Coonoor Police Station, Nilgiris District.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.S.Gunasekaran
Additional Government Pleader

O R D E R

The petitioner has come up with the present writ petition for a certiorarified mandamus, calling for the records of the third respondent relating to the order dated 25.08.2015, to quash the same and to issue consequential direction to the respondents to give appointment to the petitioner on compassionate grounds, consequent on the death of his father, while in service as Police Constable, Grade I, (No.839/N1) in upper Coonor Police Station, Nilgiris District.

2.It is the case of the petitioner that his father was serving as Police Constable, Grade I (No.839/N) in Upper Coonor Police Station, Nilgiri District, expired on 11.04.1994, while he was in service. The petitioner's mother submitted an application dated 17.04.1996 to the third respondent, seeking appointment to her on compassionate grounds, since the petitioner and his sister were minors and the same was rejected and therefore, his mother requested the respondents to give appointment to her son on his attaining the age of 18 years. Thereafter, the petitioner submitted a representation dated 11.07.2002 to the District Collector, Uthagamandalam, requesting to give appointment to him on compassionate ground, which was forwarded to the Superintendent of Police, Uthagai, for necessary action. Further, on 24.07.2015, the petitioner made a representation to the third respondent to give him appointment on compassionate grounds and the same was rejected, by his proceedings dated 25.08.2015 stating that the application for appointment on compassionate grounds was not submitted within three years of the death of Government employee. Hence, the petitioner has come up with the present writ petition.

3.The learned counsel appearing for the petitioner submitted that the issue involved in this Writ Petition is covered by the decision of this Court in Civil Appeal No.2039 of 2006 dated 30.03.2010 [Chief Engineer, TNEB and another vs. Indirani Ammal], wherein, it is observed as follows

"The Applicant was a minor at the time of the death of his father and since the mother of the applicant applied within time, we are of the opinion that the applicant after becoming major should have been granted compassionate appointment."

The above order is based on the principles laid down in an earlier judgment of the Hon'ble Apex Court in Syed Khadim Hussain vs. State of Bihar [2006 (9) SCC 195].

4. In view of the settled principles laid down by the Hon'ble Apex Court, the impugned order dated 25.08.2015 of the third respondent is set aside and consequently, this Court directs the first respondent to consider the representation of the petitioner dated 07.09.2015 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 allowed accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sri

To

1.The Secretary,
Government of Tamil Nadu,
Home (Police) Department,
Secretariat, Chennai - 600 009.

2.The Director General of Police,
Tamil Nadu, Chennai - 60 0004.

3.The Superintendent of Police,
Uthagamandalam,
Nilgiris District.

1 CC to M/S.M.Ravi, Advocate SR.56149

RP(CO)
CS 12/11/2016

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