

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.36915 of 2016

S.Muralidharan

... Petitioner

vs.

1. The Principal Chief Conservator of
Forests, Panagal Building,
Saidapet, Chennai-15.

2. The District Forest Officer,
Hosur,
Krishnagiri Forest Division,
Krishnagiri District.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the respondents, particularly, the 1st respondent to consider the representation dated 17.12.2014 of the petitioner and to pass orders thereof to appoint him on compassionate grounds in any suitable post befitting to his educational qualification within a specified time limit that may be fixed by this Court.

For Petitioner : Mr.S.Mani

For Respondents : Mr.N.Inbanathan,
Government Advocate (F)

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, particularly, the 1st respondent to consider the representation dated 17.12.2014 of the petitioner and to pass orders thereof to appoint him on compassionate grounds in any suitable post befitting to his educational qualification within a specified time limit that may be fixed by this Court.

3. According to the petitioner, his father Late Subramanian was appointed as Plot Watcher on daily wage basis in the Forest Department on 01.08.1976. Subsequently as per the Statewide Seniority List drawn by the department, he was brought into regular time scale of pay as Forest Watcher on 31.12.1999. Subsequently, his father was promoted as Forest Guard. While his father was working as Forest Guard, he died on 16.01.2009 leaving behind his mother, his two sisters and himself as his legal heirs.

4. Further, according to the petitioner, at the time of his father's death, he was 16 years old and studied up to 9th Standard and failed in S.S.L.C. written during March, 2009. In such circumstances, the petitioner submitted an application dated 28.04.2010 enclosing all the testimonials to the respondents seeking compassionate grounds appointment in any suitable post i.e. within the 3 years period stipulated for seeking compassionate grounds appointment. But the same has been rejected by the 1st respondent by order dated 23.07.2012 on the ground that at the time of his father's death, he was a minor and did not complete 18 years of age. According to the petitioner, at the time of rejecting his claim for compassionate grounds appointment, he attained majority and his age was 22 years. Thereafter, the petitioner submitted a representation dated 17.12.2014 to the respondents seeking to reconsider his claim for appointment on compassionate grounds. Since no action has been taken on the same, the petitioner is before this Court with this Writ Petition.

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

6. Admittedly, the petitioner has submitted his application seeking compassionate grounds appointment on 28.04.2010, i.e. within a period of three years from the date of death of his father who died on 16.01.2009, while in service as Forest Guard. In the year 2012, he attained majority. But, by an order dated 23.07.2012, the 1st respondent passed an order rejecting the claim of the petitioner only on the ground that at the time of his father's demise, the petitioner was a minor. But, on a perusal of the records, it is also seen that on the date of rejection, the petitioner has attained majority. Therefore, this Court is of the view that the 1st respondent ought not to have rejected the application of the petitioner, particularly, when the application seeking compassionate ground appointment was made within a period of 3 years from the date of death of his father.

7. Considering the above facts and circumstance of the matter, without expressing any opinion with regard to the merits of the claim made by the petitioner, this Court directs the petitioner to give a fresh representation to the respondents along with a copy of the representation dated 28.04.2010 and also 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 respondents are directed to pass an appropriate order on merits and in accordance with law, within a period of eight weeks thereafter.

8. With the above direction, the present writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Chief Conservator of Forests, Panagal Building, Saidapet, Chennai-15.
2. The District Forest Officer, Hosur, Krishnagiri Forest Division, Krishnagiri District.

+1cc to Mr.S.Mani, Advocate sr.59790
+1cc to Special Government Pleader Sr.60558

W.P.No.36915 of 2016

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