

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.7575/2016

A.Chitra

..Petitioner

Vs

1.The Secretary to Government
Government of Tamil Nadu
Revenue Department, Secretariat,
Chennai-9.

2.The Principal Commissioner
and Commissioner of Revenue Administration
Chepauk, Chennai-5.

3.The District Collector
Salem District, Salem.

4.The Revenue Divisional Officer
Mettur, Salem District. ..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to consider the claim of the petitioner for compassionate appointment in commensurate with the petitioner qualification and eligibility in the light of the representation made by the petitioner dated 04.11.2015 within a reasonable time.

For Petitioner : Mr.M.Ravi
For RR 1 to 4 : Mr.P.Sanjay Gandhi, AGP
ORDER

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

2 The petitioner, in the affidavit filed in support of this writ petition, would aver among other things, she was pursuing her Post Graduate Course in Master of Business

Administration and at that juncture, her mother and father died on 10.11.2003 and 05.03.2004 respectively and his father, at the time of demise, was working as a Village Administrative Officer in Salem District, and according to the petitioner, she is the sole legal heir to her parents. The petitioner would further state that though she got married to one Anand Babu, she continued to be in distress as her husband is not in a position to secure proper employment. The petitioner in this regard, has immediately approached the concerned Revenue Authorities seeking her appointment on compassionate ground and the 3rd respondent, vide proceedings dated 26.12.2006 bearing Na.Ka.No.34766/07/A5, had brought to the notice of the 4th respondent that only upon conducting proper enquiry, such a request can be entertained. The petitioner upon receipt of the proceedings of the 3rd respondent, was under the bona fide impression that her prayer for compassionate ground appointment, would be considered at the earliest and since she has not been communicated with any order so far, she came forward to file the present writ petition, praying for a writ of mandamus, seeking direction to the respondents to consider her application dated 04.11.2015 for appointment on compassionate ground on merits and in accordance with law.

3 Mr.M.Ravi, learned counsel appearing for the petitioner would submit that in all fairness, the petitioner should have been given compassionate ground appointment as she had fulfilled all the necessary and eligible criteria and prays for appropriate orders.

4 Per contra, Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the respondents 1 to 4 would submit that the jurisdictional Tahsildar, viz., the Tahsildar, Kadayampatty, has conducted a detailed enquiry wherein he has found out that the petitioner, as on date, is working as an Assistant Professor in a Private College and is earning a decent salary and accordingly, submitted a report to the Sub Collector, Mettur, expressing his opinion of rejecting the petitioner's plea and the said official, viz., the Sub Collector, is expected to pass orders very shortly and therefore, it is submitted that nothing survives for adjudication in the writ petition as on today, in the light of the prayer sought for by the petitioner.

5 This Court considered the rival submissions made on either side and also perused the materials placed before it.

6 Since the petitioner sought for a writ of mandamus to consider and dispose of her application dated 04.11.2015 seeking appointment on compassionate ground, in the light of the report filed by the jurisdictional Tahsildar, viz., The Tahsildar, Kaadayampatty, in Na.Ka.No.772-2016-m1 dated 22.08.2016, addressed to the Sub Collector, Mettur, as to the rejection of the said request of the petitioner, this Court is of the view that nothing survives for adjudication in this writ petition as the petitioner merely prays for issuance of a writ of mandamus. However, taking note of the subsequent development, this Court directs the Sub Collector, Mettur, to communicate his decision based on the report of the Tahsildar, Kaadayampatty, dated 22.08.2016 within a period of two weeks from the date of receipt of a copy of this order and the petitioner, upon receipt of the same, is at liberty to challenge the said order in accordance with law before the competent Forum.

7 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

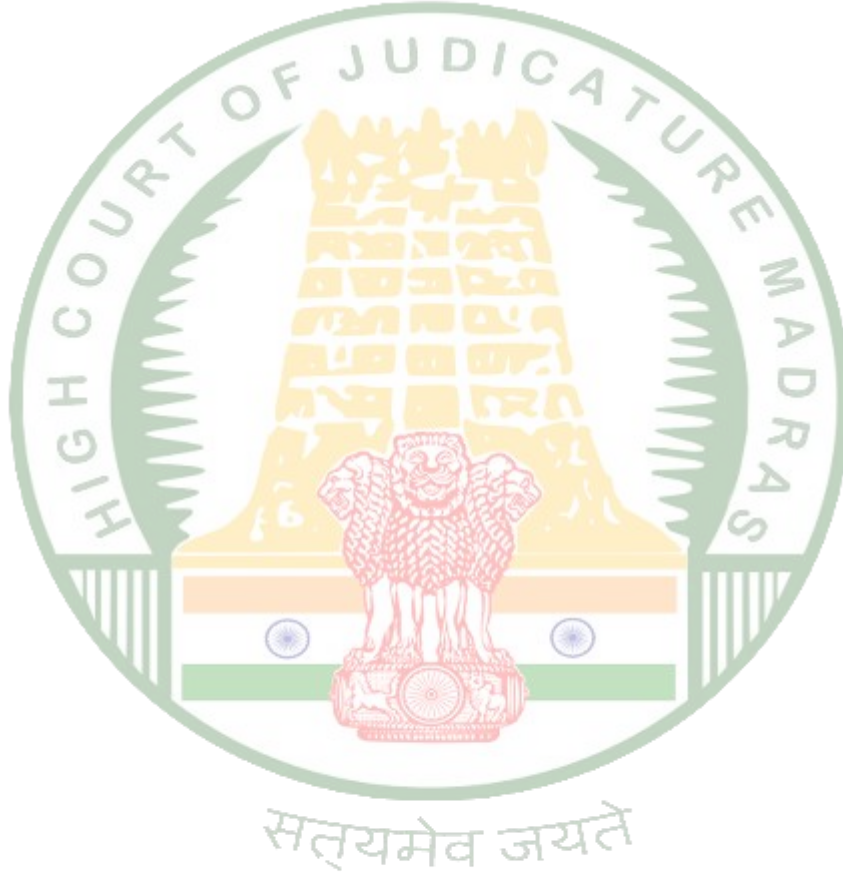
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4.The Revenue Divisional Officer
Mettur, Salem District.

+1cc to Mr.M. Ravi, Advocate, S.R.No.73082
+1cc to the Government Pleader, S.R.No.73312

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