



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2016

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) .No.1481 of 2015

and

M.P. (MD) No.1 of 2015

K.Karthick

..Petitioner

Vs.

1.The Agricultural Production Commissioner &
Secretary to the Government of Tamilnadu,
Agriculture Department,
(Horticulture and Plantation Crops)
Secretariat, Chennai - 600 009.

2.The Commissioner,
Department of Agriculture,
Agriculture Complex,
Chepauk, Chennai 600 005.

3.The Commissioner/Director
Department of Horticulture & Plantation Crops,
Agriculture Complex,
3rd Floor, Chepauk,
Chennai 600 005.

4.The Deputy Director of Horticulture,
2nd Floor, Joint Director of Agriculture Office Building,
Kattupudukulam Road,
Pudukkottai - 622 001.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the proceedings issued by the 4th respondent in letter No.A2/114/2008, dated 03.02.2012 along with 2nd respondent's letter dated 01.04.2011 vide letter No.Aa Ni Pi 6/20159/11 and quash the same as illegal and arbitrary and consequently direct the respondents to appoint the petitioner in any suitable post for compassionate appointment taking into consideration of the application submitted by his mother, dated 13.03.1998.

For Petitioner : Mr.P.Mahendran

For Respondents : Mr.S.Satheeshkumar

Additional Government Pleader

ORDER

The writ petition has been filed challenging the proceedings of the fourth respondent in letter No.A2/114/2008, dated 03.02.2012 and the proceedings of the second respondent in letter No.Aa Ni Pi 6/20159/11, dated 01.04.2011, as illegal and arbitrary and consequently direct the respondents to appoint the petitioner in any suitable post for compassionate appointment, taking into consideration of the application submitted by his mother, dated 13.03.1998.



2.The father of the petitioner was working as Assistant Agricultural Officer in the office of the fourth respondent and he died in harness on 30.11.1997. On the date of the death of his father, the petitioner and other siblings are all minors. The mother of the petitioner had made an application as early as on 13.03.1998 claiming appointment on compassionate ground. In the meantime, in the year 2007, the petitioner completed his 10th standard and sent an application to consider his case on compassionate ground in continuation with the earlier application made by his mother during his minority. However, the respondents have not considered the request of the petitioner. In the meantime, the petitioner also completed his three years Course of Mechanical Engineering and again made another representation to the respondents seeking appointment on compassionate ground.

3.The fourth respondent by his letter dated 03.03.2012 in letter No.A2/114/08 had rejected the request of the petitioner in a mechanical manner. The reason given by the fourth respondent is that the employee died on 30.11.1997 and the petitioner had passed his 10th standard in March 2007. Therefore, he is not qualified to be appointed on the compassionate ground.

4.The above reasoning is without application of mind and liable to be set aside. The fourth respondent failed to consider that even as early as on 13.03.1998 an application was made by the mother of the petitioner and after the petitioner completed his 10th standard, he had applied for the second time. However, the compassionate appointment cannot be denied to the petitioner, as the application is made within three years from the date of death of the employee and the petitioner also had applied after attaining majority. Therefore, he is qualified to be appointed on the compassionate ground.

5.Even this Court in several Judgments had taken a lenient view on the question of compassionate ground. Therefore, the respondents cannot nullify such an application on the ground that the dependant did not approach the respondent within time.

6.In view of the above, this Court is of the view that the order of rejection passed by the fourth respondent rejecting the petitioner's request to provide a suitable employment to him, is held to be unsustainable. Accordingly, the writ petition is allowed. The order passed by the fourth respondent in letter No.A2/114/2008, dated 03.02.2012 and the order of the second respondent in letter No.Aa Ni Pi 6/20159/11, dated 01.04.2011 are set aside and the fourth respondent is directed to provide suitable employment to the petitioner. The said exercise shall be completed within a period of six weeks from the date of receipt of copy of this order. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/



To

1.The Agricultural Production Commissioner &
Secretary to the Government of Tamilnadu,
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4.The Deputy Director of Horticulture,
2nd Floor,
Joint Director of Agriculture Office Building,
Kattupudukulam Road, Pudukkottai - 622 001.

+1cc to M/s.P.Mahendran, Advocate in SR.12347

W.P (MD) .No.1481 of 2015
03.03.2016

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