



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE C.T.SELVAM

W.A. (MD).No.453 of 2016

Venkatesh Guru .. Appellant/Petitioner

versus

- 1.The Additional Central Provident Fund Commissioner,
Tamil Nadu,
Chennai.
 - 2.The Regional Provident Fund Commissioner -I,
Office of the Regional Provident Fund Commissioner,
37, Royapettah High Road,
Chennai-14.
 - 3.The Regional Provident Fund Commissioner -I (Adm)
Office of the Regional Provident Fund Commissioner,
Regional Office,
Madurai.
 - 4.The Regional Provident Fund Commissioner-II (Adm),
Office of the Regional Provident Fund Commissioner,
Regional Office,
Madurai.
- .. Respondents/Respondents

Appeal filed under Clause 15 of Letters Patent to set aside the order, passed by this Court in W.P.(MD).No.9761 of 2015, vide order, dated 17.06.2015.

Prayer in WP(MD). 9761/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, for the issue of a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order passed by the 4th respondent vide his proceedings No.TN/RO/MDU I/Adm-1/A2/56 (15)/CA/PC/2010 dated 06.09.2010 and quash the same and consequently direct the Respondents to provide an appointment in a suitable post on compassionate ground.

For Appellant : Mr.M.Pitchaimuthu

JUDGMENT

(Judgment of the Court was made by S.MANIKUMAR ,J.)

As no adverse order is passed against the respondents, notice is waived. Writ Appeal is filed against an order, made in W.P.(MD).No.9761 of 2015, dated 17.06.2015, by which, the Writ Court declined to entertain the writ petition as to the challenge made to the proceedings



No.TN/RO/MDUI/Adm-I/A2/56 (15)/CA/PC/2010, dated 06.09.2010, of the Regional Provident Fund Commissioner -II (Adm), Regional Office, Madurai, respondent No.4 therein, on the ground that matters pertaining to appointment in Central Government Services, the remedy lies before the Central Administrative Tribunal.

WEB COPY

2. The order impugned in the writ petition, dated 06.09.2010 is reproduced hereunder:-

"No.TN/RO/MDU/Adm-I/A2/56(15)/CA/PC/2010,
Date:06.09.2010

To
Shri.B.Ventaeshguru,
S/o.Shri.G.Balaguru, Ex-Sr.SSA,
141-A, Arapalayam Main Road,
Madurai-625 016.

Sub:Appointment on compassionate grounds to Shri.B.Ventaeshguru,
S/O.Shri.G.Balaguru, Ex-Sr.SSA - Rejected informed - Regarding.

Sir,

The Competent Authority has rejected your application for appointment on compassionate grounds for the reason that your father Shri.B.Ventaeshguru has attained the age of 55 years and 03 months at the time of Voluntary Retirement with invalid Pension on medical grounds under Rule 38 of CCS (Pension) Rules 1972. As per rules, prescribed age should not be not more than 55 years to the eligible for consideration for compassionate appointment. Hence the competent authority has rejected your application for appointment on compassionate grounds."

A perusal of the same makes it abundantly clear that appointment on compassionate ground is sought for on the basis of Rule 38 of CCS (Pension) Rules 1972.

3. During the course of hearing, Mr.M.Pitchaimuthu, learned counsel appearing for the appellant, also submitted that employment assistance is sought for in Provident Fund Organisation and that it comes within the jurisdiction of the Central Administrative Tribunal. Inasmuch as there is no manifest error in the order impugned in the instant appeal, the writ appeal is dismissed. No costs.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub AssistantRegistrar

To

1.The Additional Central Provident Fund Commissioner,
Tamil Nadu, Chennai.

2.The Regional Provident Fund Commissioner -I,
Office of the Regional Provident Fund Commissioner,
37, Royapettah High Road,
Chennai-14.



3. The Regional Provident Fund Commissioner -I (Adm)
Office of the Regional Provident Fund Commissioner,
Regional Office,
Madurai.

WEB COPY

4. The Regional Provident Fund Commissioner-II (Adm),
Office of the Regional Provident Fund Commissioner,
Regional Office,
Madurai.

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