

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 07.02.2017
CORAM
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
WP.No.3002/2017

V.Chinnathambi

..

Petitioner

Versus

- 1.The Secretary to Government
School Education Department
Secretariat, Chennai 600 009.
- 2.The Director of Elementary Education,
DPI Compound, College Road,
Chennai 600 006.
- 3.The District Elementary Educational Officer
Villupuram, Villupuram District.
- 4.The Assistant Elementary Educational Officer
Mailam at Kotteripattu, villupuram,
Villupuram District.

..

Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the respondents to provide an employment to the petitioner under the scheme of compassionate ground appointment.

For Petitioner : Mr.G.Amalraj
For Respondents: Mr.V.Anandamoorthy
AGP [Edn]

ORDER

By consent, the writ petition is taken up for final disposal. Mr.V.Anandamoorthy, learned Additional Government Pleader [Edn] accepts notice on behalf of the respondents.

2 The petitioner is the son of [late] V.C.Vardhaman, who was the Headmaster of the Panchayat Union Elementary School, Alagraman, and he died in harness on 30.11.1984 and the mother of the petitioner submitted an application seeking appointment on compassionate ground for the petitioner on 09.05.1985 to the 4th respondent and it was returned for want of certain particulars and after collecting the necessary particulars, the petitioner's mother submitted a representation on 08.09.2009, praying for appointment on compassionate ground and subsequently, on 07.12.2009, the petitioner produced No

Objection Certificates from the other legal heirs and came forward to file this writ petition, praying for compassionate ground appointment, in commensurate with his qualification.

3 The learned counsel for the petitioner would submit that though the mother of the petitioner submitted an application seeking compassionate ground appointment on 09.05.1985 itself, the proposal was returned and thereafter, the petitioner has submitted an application seeking the very same relief and prays for appropriate orders.

4 Per contra, Mr.V.Ananadamoorthy, learned Additional Government Pleader appearing for the respondents would contend that admittedly, the petitioner is aged about 48 years and he is a married person and though his father died in harness as early as in the year 1984, the petitioner submitted an application seeking appointment on compassionate ground only on 08.09.2009 and on 07.12.2009, he has produced the No Objection Certificates from the legal heirs and on legal plea, he would submit that the object of the compassionate ground appointment is to meet the immediate financial crisis and since the petitioner has managed his affairs for nearly 33 years, his claim for compassionate ground appointment is hit by limitation, delay and laches and prays for dismissal of this writ petition.

5 This Court has considered the rival submissions and also perused the materials placed before it.

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner in this writ petition, permits the petitioner submit a reminder representation to the respondents 2 to 4 within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the respondents 3 and 4, are directed to consider the said representation in accordance with law and pass orders within a further period of ten weeks thereafter and communicate the decision taken, to the petitioner.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

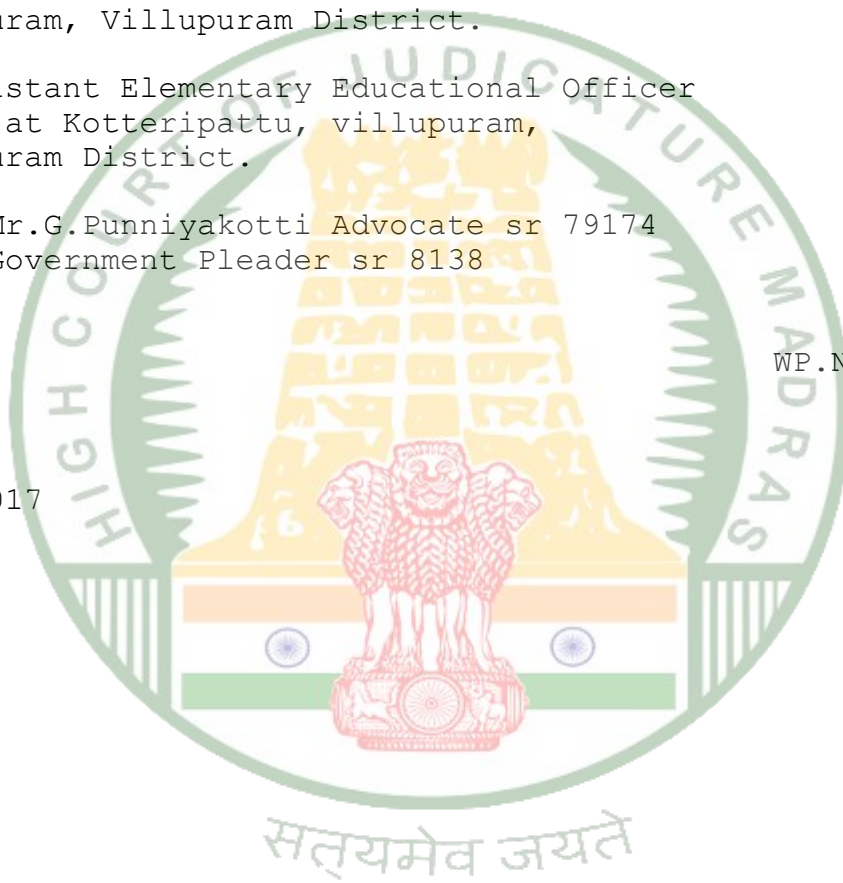
AP

To

- 1.The Secretary to Government
School Education Department
Secretariat, Chennai 600 009.
 - 2.The Director of Elementary Education,
DPI Compound, College Road,
Chennai 600 006.
 - 3.The District Elementary Educational Officer
Villupuram, Villupuram District.
 - 4.The Assistant Elementary Educational Officer
Mailam at Kotteripattu, villupuram,
Villupuram District.
- +1 cc to Mr.G.Punniyakotti Advocate sr 79174
+1 cc to Government Pleader sr 8138

WP.No.3002/2017

sv(co)
aa23/02/2017



WEB COPY