

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.01.2017

Coram:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.8019 of 2014
and
W.M.P.No.19914 of 2016

R.Moovendhan

... Petitioner

vs.

1.Principal Chief Engineer and
Chief Engineer (General)
Public Works Department,
Chepauk, Chennai-600 005

2.Chief Engineer,
Public Works Department,
Water Resources,
Trichy Division.

3.Executive Engineer,
Public Works Department,
Vennar Basin Division,
Tiruvarur

4.Assistant Executive Engineer,
Public Works Department,
Vennar Basix Division,
Tiruthuraipoondi

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the first respondent to dispose of the application dated 2.1.2014 submitted by the petitioner to provide employment to the petitioner on the ground of compassionate appointment without reference to delay.

For Petitioner : Mr.S.P.Sudalaiyandi

For Respondents : Mr.K.Dhananjayan
Special Government Pleader

ORDER

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

2. The petitioner claims to be the son of deceased A.Ramamirtham, who was employed as Irrigation Inspector, Vennar Basin Division, which falls under the control of the first respondent and he died in harness on 1.1.1987, leaving behind his wife namely, Panjali, daughter-Saritha, son-Mooventhan (the petitioner) and daughter-Sudha. The mother of the petitioner submitted an application to the respondents on 4.7.1988, seeking compassionate ground appointment to the petitioner, which was followed by a reminder dated 21.4.1995. However, the said applications have not been considered and disposed of.

3. The petitioner was a minor at that point of time and after completion of Diploma in Civil Engineering and on attaining the age of majority in the year 2001, the petitioner once again made a request in continuation of his mother's application dated 4.7.1998, seeking appointment on compassionate ground and it has not been given disposal and in this regard the petitioner has also approached the Hon'ble Chief Minister's Cell, to know about the fate of his application.

4. The first respondent, vide letter, dated 21.4.2010, addressed to the Special Officer of the Hon'ble Chief Minister's, Cell has informed that the petitioner has submitted the application three years after the demise of his father and in terms of Govt.Lr.(D)No.202, Labour and Employment, dated 8.10.2007, his application has been rejected on the ground that it is barred and that a copy of the same was also marked to the petitioner.

5. The learned counsel for the petitioner would submit that since the petitioner fulfils all necessary criteria and admittedly at the time of demise of his father he was a minor, the said G.O. cannot be made applicable and prays for appropriate orders.

6. This Court heard the submissions of the learned counsel for the petitioner and also the learned Special Government Pleader, appearing for the respondents.

7. In the light of the above facts, the first respondent is directed to communicate the reasons for rejection of the petitioner's application within a period of three weeks from the date of receipt of a copy of this order and the petitioner, upon receipt of the same, is at liberty to work out his remedies, in accordance with law, before the competent forum.

The writ petition is disposed of accordingly. No costs. Connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

msk

To

1.Principal Chief Engineer and
Chief Engineer(General)
Public Works Department,
Chepauk, Chennai-600 005

2.Chief Engineer,
Public Works Department,
Water Resources,
Trichy Division.

3.Executive Engineer,
Public Works Department,
Vennar Basin Division,
Tiruvarur

4.Assistant Executive Engineer,
Public Works Department,
Vennar Basin Division,
Tiruthuraipoondi

+1cc to Government Pleader sr.2083

+1cc to Mr.S.P.Sudalaiyandi, Advocate sr.1706

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W.P.No.8019 of 2014

vsn(co)
ss(23/01/2017)

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