

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 7.8.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.9164 of 2017

D.Bascarane

Petitioner

Vs

- 1 The Union of India
Rep. by Secretary to Government
Department of Health and Family Welfare
New Delhi
- 2 Jawaharlal Institute of Post
Graduate Medical Education and Research
Rep. by its Director
Dhanvantri Nagar Puducherry
- 3 The Deputy Director (Admn)
Jawaharlal Institute of Post Graduate
Medical Education and Research
Dhanvantri Nagar Puducherry
- 4 The Central Administrative Tribunal
Additional Bench at Chennai
Rep. by its Registrar Chennai 600 104.

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus Calling for the records on the file of the 4th respondent relating to the impugned order of the respondent dated 23.11.2016 bearing Ref.No.OA/310/01551/2014 and quash the same and consequently allow the Original Application in O.A.No.OA/310/01551/2014 and designate the petitioner as Lower Division Clerk or such equivalent Group C Post in the Scale of Pay of Rs.5200-20200 alongwith Grade Pay of Rs.1900/- and fix the pay of the petitioner at the appropriate stage by granting due increments and other financial benefits from the date of his initial appointment on 28.12.2010.

For petitioner : Mr.D.Bharat Chakravarthi

For R1 : Mr.Su.Srinivasan,
Assistant Solicitor General
For RR2 and 3 : Mr.M.T.Arunan, ACGSC

ORDER

(Order of the court was made by HULUVADI G.RAMESH,J.)

Heard the learned counsel appearing for the parties for some time.

2. It appears that the Original Application filed by the petitioner was dismissed by the Tribunal as he has been appointed on the compassionate ground and the stand of the petitioner is that he ought to have been appointed in the regular post despite that there was no vacancy to be filled up.

3. It is represented on the side of the respondents that there was no vacancy at the relevant time and as and when vacancy arises, the case of the petitioner would be considered.

4. In view of the submission that as and when vacancy arises, the case of the petitioner would be considered for posting in the regular post if he satisfies with regard to qualification aspect, the writ petition can be disposed of. However, before part with, we make it clear that the petitioner should bear in mind that it is not as if the authorities are trying to evade the petitioner even after finding that the petitioner's case can be considered for appointing in a regular post. The petitioner must also bear in mind that appointment on compassionate ground is not a matter of right. Accordingly, the petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssk.

To:

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New Delhi
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+1 cc to M/s.M.T.Arunan Advocate sr 56619

+1 cc to M/s.Sai Bharath & Ilan Advocate sr 56979

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sj(co)
aa20/09/2017

सत्यमेव जयते

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