IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1298 of 2015

C.Murugesan ... Appellant/Petitioner

-vs-

1.The Secretary to Government,
Animal Husbandry, Dairies & Fisheries Dept.,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.

2.The Director of Animal Husbandry & Veterinary Services,
DMS Complex, Teynampet,
Chennai-600 006.

3.The Regional Joint Director of Animal Husbandry,
Erode Region, Erode.

4.The Assistant Director of Animal Husbandry,
Dharapuram, Erode District. ... Respondents/Respondents

Appeal filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.P.No.21167 of 2012 dated 06.08.2012.

WP.21167/2012:

Writ Petition has been filed Under Article 226 of the Constitution of India for issuance of writ of Certiorarified mandamus *Calling for the records pertaining to the proceedings of the 1st respondent made in Letter No. 11737/AH7(1)/2010-3 dated 06.09.2011 and quash the same, consequently direct the 1st respondent to provide employment opportunities to the petitioner in Animal Husbandry Department on compassionate grounds*

For Appellant :: Mr.S.Thiriumavalavan

For Respondents:: Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

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JUDGMENT

(Judgment of the Court was delivered by
HULUVADI G.RAMESH, J.)

This writ appeal has been filed against the order passed by this Court in W.P.No.21167 of 2012 dated 06.08.2012.

2.The appellant's father by name Chinnaiyan was working as a casual labourer in the Exotic Cattle Breading Farm, Eachankottai, Orathanadu Taluk, Thanjavur District, but his service was not regularised. In an earlier proceedings before the Tamil Nadu Administrative Tribunal, the Tribunal passed orders directing the Government to consider the case of the said Chinnaiyan and others for the purpose of regularising them. Chinnaiyan's case was considered along with others and the Government issued G.O.Ms.No.117, Animal Husbandry, Diaries and Fisheries Department, dated 28.08.2008, regularising the services of those temporary employees from 28.08.2008. But unfortunately, the appellant's father died on 02.07.2007, i.e., about one year before the service was regularised in respect of other similarly placed employees. Thereafter, the appellant made a request to the first respondent seeking employment on compassionate grounds as per G.O.Ms.No.560, Labour and Employment Department dated 03.08.1977. The said request was rejected by the first respondent by proceedings dated 06.09.2011. Aggrieved over the same, the appellant filed a writ petition in W.P.No.21167 of 2012 and this Court dismissed the writ petition on the ground that as on the date of death of the said Chinnaiyan, his service was not regularised.

3.The learned counsel for the appellant has submitted that under similar circumstances, this Court in its judgment reported in 2012 (3) LLN 681 (DB)(Mad.) in R.Lakshmi v. The Chief Engineer (Personnel), Tamil Nadu Electricity Board, Chennai, issued directions to the authorities to consider the claim of the wife of the employee for compassionate appointment by stating that even though no regularisation order was passed in respect of the employee, statutory benefit of permanent status has to be necessarily granted to him.

4.Heard the learned Special Government Pleader on the submissions made by the learned counsel for the appellant and perused the materials available on record.

5.In the present case, the father of the appellant had put in several years of service. But his case was considered along with others and the Government issued G.O.Ms.No.117, Animal Husbandry, Diaries and Fisheries Department, dated 28.08.2008, regularising the services of those temporary employees from 28.08.2008. But unfortunately, the appellant's father died on

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02.07.2007, i.e., about one year before the service was regularised in respect of other similarly placed employees. In the circumstances, we find that the appellant herein stands in a better footing, compared to the case of the petitioner in the judgment reported in 2012 (3) LLN 681 (DB)(Mad.).

6.With the above observation, we direct the first respondent to consider the case of the appellant in accordance with law, in the light of the judgment of this Court in R.Lakshmi v. The Chief Engineer (Personnel), Tamil Nadu Electricity Board, Chennai, reported in 2012 (3) LLN 681 (DB) (Mad.), within a period of three months from the date of receipt of a copy of this judgment.

7.The writ appeal is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

KM
To

1.The Secretary to Government,
Animal Husbandry, Dairies & Fisheries Dept.,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.

2.The Director of Animal Husbandry & Veterinary Services,
DMS Complex, Teynampet,
Chennai-600 006.

3.The Regional Joint Director of Animal Husbandry,
Erode Region, Erode.

4.The Assistant Director of Animal Husbandry,
Dharapuram, Erode District.

+1cc to Mr.S.THIRUMAVALAVN, Advocate, S.R.No. 76822/17
+1cc to the Government Pleader, S.R.No. 77381/17

W.A.No.1298 of 2015

BR(CO)
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