

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23-10-2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21512 of 2014

And

M.P.No.1 of 2014

Satish Kumar

.. Petitioner

-vs-

The Principal Secretary to Government,
Public Administration-I Department,
Fort St. George,
Chennai-9.

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent in connection with the impugned order passed by respondent in Letter No.30769/Adm-I(M)-Legislature/2013-3 dated 7.7.2014 and quash the same and direct the respondent to appoint the petitioner on compassionate ground incommensurate with the petitioner's educational qualification and grant him all consequential service and monetary benefits.

For Petitioner - Mr.M.Muthappan

For Respondent - Mr.R.Vijayakumar,
Additional Government Pleader.

ORDER

The order of rejection dated 7.7.2014 issued by the respondent in respect of the claim of writ petitioner for compassionate appointment is under challenge in this writ petition.

2. The learned counsel appearing for the writ petitioner made a submission that the father of the writ petitioner was working as Office Assistant (Driver) in the respondent-Department and passed away on 22.8.2013, while he was in service.

3. The writ petitioner submitted an application, seeking compassionate appointment along with the required documents. However, the respondent rejected the same in proceedings dated 7.7.2014, stating that the application was not in accordance with G.O.Ms.No.155, Labour and Employment Department, dated 16.7.1993.

4. On perusal of the impugned order, this Court is of the view that no reason has been stated for the rejection of the application, seeking compassionate appointment. The competent authority will consider the application of compassionate appointment and has to furnish the reasons for rejection. In the absence of any valid reason, the case of the writ petitioner is to be considered in accordance with the Scheme of compassionate appointment.

5. However, the impugned order is very much silent about the reasoning and therefore, this Court is inclined to consider the grounds raised in this writ petition. Accordingly, the impugned order passed by the first respondent in letter No.30769/Adm-I (M)-Legislature/2013-3, dated 7.7.2014, is quashed and the respondent is directed to reconsider the case of the writ petitioner for compassionate appointment on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

svn

To

The Principal Secretary to Government,
Public Administration-I Department,
Fort St. George,
Chennai-9.

+1 cc to the Govt Pleader sr 75289
+1 cc to M/s.M.Muthappan Advocate sr 74948

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