

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2017

CORAM

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

W.A.NO.650 OF 2017

R.Chandrasekar

..... Appellant

Vs.

1. The District Collector,  
Ariyalur District,  
Ariyalur.

..... Respondent

APPEAL filed under Clause 15 of the Letters Patent against the order dated 06.04.2017 made in W.P.No.8151 of 2017 on the file of this Court.

W.P.No.8151 of 2017:- Writ Petition filed under Article 226 of the Constitution of India praying for for issuance of a Writ of Mandamus directing the respondent to consider the representation of the Petitioner dated 11.01.2017 and consequently, direct the respondent to provide a appropriate employment i.e.Junior Assistant or equivalent to that post to the petitioner based upon the petitioner education qualification and also the G.O.M.s.No.1499 dated 03.06.1989

For Appellant : Mr.Y.Kaja Navas  
For Respondents : Mr.R.Prathap Kumar, AGP

J U D G M E N T

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

1. This Writ Appeal is filed challenging the order dated 06.04.2017, passed in W.P.No.8151 of 2017, whereby, the learned single Judge dismissed the Writ Petition, thereby, rejected the request of the appellant/petitioner seeking higher post in the compassionate appointment.

2. The facts in brief are as follows:

The appellant's father, while working as a Village

Administrative Officer, died in harness on 26.07.2002. Thereafter, the appellant's mother has given various representations to the District Collector seeking compassionate appointment. Subsequent thereto, the appellant was given appointment on 07.01.2017 to the post of Office Assistant at Udayarpalayam, Revenue Divisional Office.

3. Alleging that the appointment given was not based on the educational qualification of the appellant, the appellant has given a representation dated 11.01.2017. Since there was no response, the appellant has approached this Court by way of a Writ Petition. This Court, by order dated 06.04.2017, dismissed the Writ Petition holding that the appellant was qualified SSLC examination and hence, seeking higher post is unwarranted.

4. Aggrieved by the said order, the appellant is before this Court.

5. Heard the learned counsel for the appellant and the learned Additional Government Pleader appearing for the respondent.

6. It appears, that the appellant was given compassionate appointment, as his father died in harness. Taking into consideration the difficulties of a family due to the sudden demise of the employee, compassionate Appointment was introduced. Hence, the appellant cannot claim any right to the higher post. It is the prerogative of the Government to accommodate a person by way of compassionate appointment, in the existing vacancy. Nowadays, even a post graduate person is accepting the post of Office Assistant. The appellant had acquired only SSLC examination. Hence, the learned Single Judge is right in rejecting the Writ Petition.

7. Accordingly, we find no merits in the appeal and hence the same is dismissed. However, there will be no order as to costs.

Sd/-  
Asst.Registrar (CS II )

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Sub Asst. Registrar

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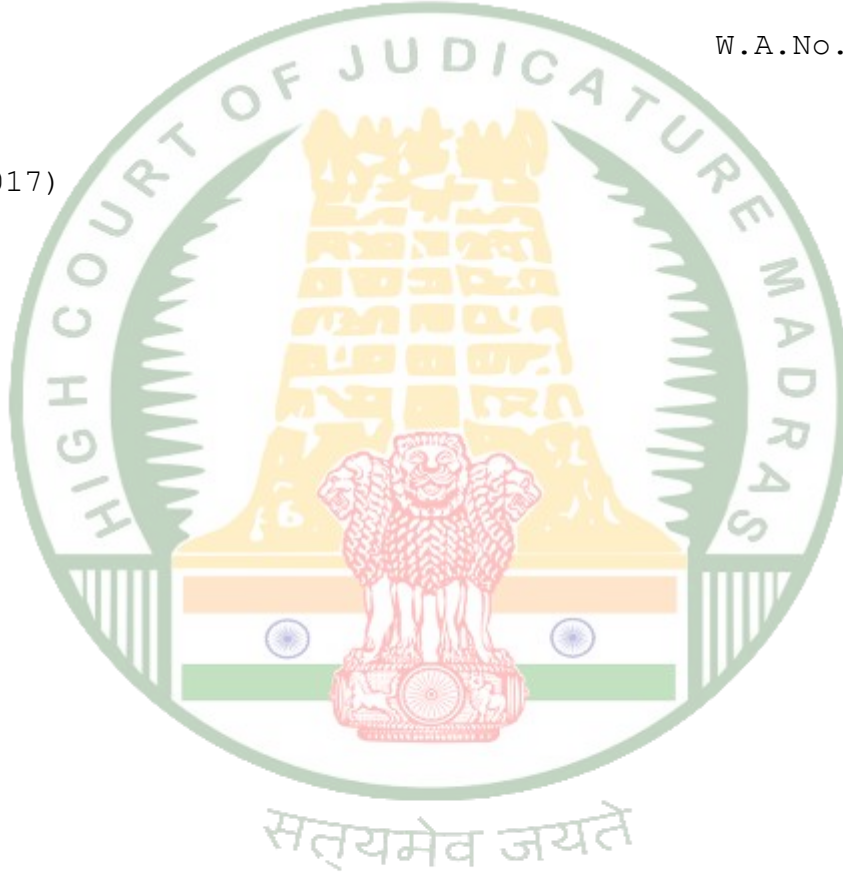
1.The District Collector,  
Ariyalur District,  
Ariyalur.

+lcc to the Government Pleader Sr. 54381

+lcc to Mr.Y.Kaja Navas, Advocate Sr. 54853

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SS (CO)  
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