

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2017

CORAM

THE HONOURABLE **MR.JUSTICE T.RAJA**

Contempt Petition No.2689 of 2016

R.Gobinath

.. Petitioner

-vs-

Mr.E.Saravanelraj, I.A.S.,
District Collector,
Ariyalur District.
Ariyalur.

.. Respondent

Petitions under Section 11 of the Contempt of Courts Act, 1971 praying to punish the respondents for willful disobedience of the order passed in W.P.No.22705 of 2015, dated 28.07.2015.

For Petitioner : No Appearance

For Respondents : Mr.M.Elumalai, GA

ORDER

Entertaining the writ petition filed by the petitioner in W.P.No.22705 of 2015, this Court, by order dated 28.07.2015, directed the District Collector, Ariyalur District, to consider the claim of the petitioner for appointment on compassionate ground in the light of the report dated 22.08.2014 submitted by the Revenue Inspector to the Tahsildar, Jayamkondam. Since the said order dated 28.07.2015 of this Court has not been complied with, the petitioner has filed the present contempt petition.

2. When the matter is called up, there is no representation for the petitioner either in the morning session or in the afternoon session.

3. Mr.M.Elumalai, learned Government Advocate appearing for the respondent, by filing a detailed counter affidavit, submitted that the petitioner has obtained an order from this Court for appointment on compassion ground by suppressing some of the crucial points, for, the writ petitioner's father was dismissed from the service for misappropriating the funds of the Government. Challenging the said dismissal order, when he has filed an Original Application No.8021/98, the same was dismissed on 31.12.2002. Therefore, when the petitioner's father suffered an order of dismissal, the legal heirs of the dismissed employee cannot seek appointment on compassionate ground, for, as per the G.O.Ms.No.560, Labour and Employment Department, dated 03.08.1977, only the legal heirs of the government servant, who died while in service, could alone claim appointment on compassionate ground. However, in the present case, the father of the petitioner was not at all a Government servant, since he was already dismissed from the service by the Revenue Divisional Officer, Udayarpalayam, vide his proceedings dated 18.08.1998. Due to the said reasonings, the legal heirs were not even granted the terminal benefits of their father. Hence, when the legal heirs are barred from

receiving the terminal benefits, they are not equally entitled to seek a prayer for appointment on compassionate ground.

4. However, during the writ proceedings, the petitioner has not disclosed all the above said points and therefore, the order of this Court directing the respondent to appoint the petitioner on compassionate ground cannot stand to any good reason, he pleaded.

5. Since the counter affidavit of the respondent as well as other relevant records produced by the respondent discloses that the petitioner's father was dismissed from service and thereafter, the said dismissal order was also upheld by the learned Tribunal in O.A.No.8021 of 1998, dated 31.12.2002, this Court is not inclined to entertain the contempt petition filed by the petitioner complaining violation of the order of this Court passed in W.P.No.22705 of 2015, dated 28.07.2015, by the respondent. Thus, on this score, the contempt petition is dismissed. No Costs. Consequently, Sub Application (OS) No.52 of 2017 is closed.

SD/
JOINT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

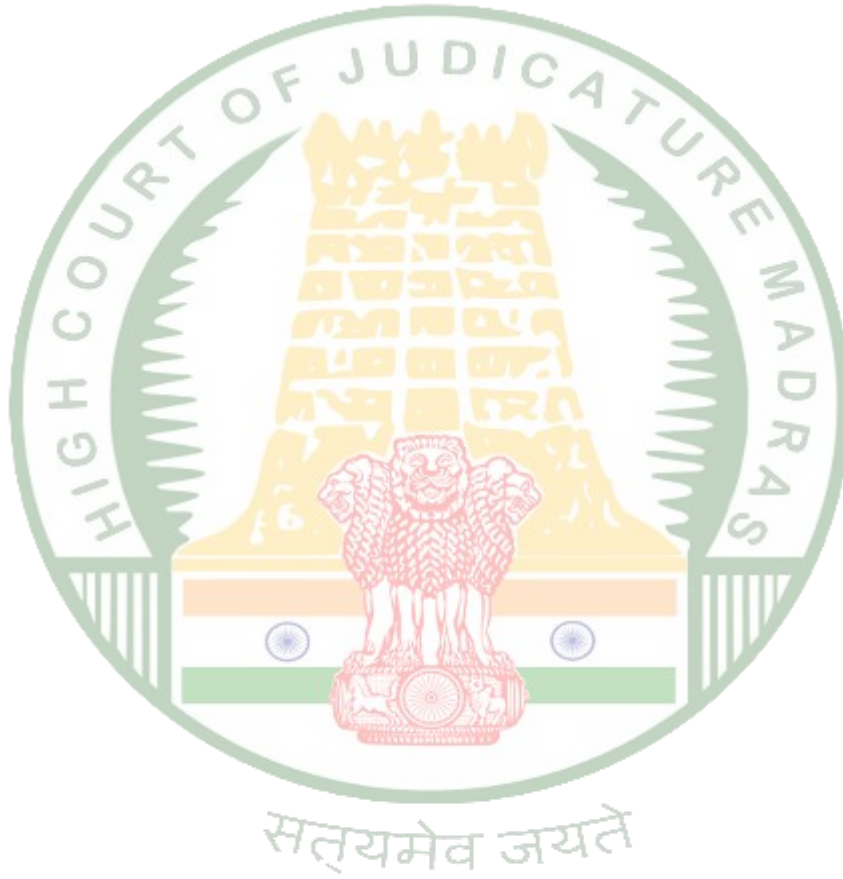
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SS/CO/08/03/2016

To

The District Collector,
Ariyalur District.
Ariyalur.

One CC to Government Pleader, SR.5439/17



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