

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.10.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P. No.18518 of 2014

1.Pichaiyammal
2.M.Murugan
3.M.Muthukaruppan

[PETITIONERS]

Vs

1.The Principal Chief Conservator of
Forest Department
Panagal Maaligai,
Saidapet, Chennai 600 015.

2.The Conservator of Forests
Madurai Circle, Madurai.

3.The Divisional Forest Officer
Social Forestry Division
Madurai.

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 30.3.2012, in Ref.No.e.f.v/z Vlp /12516/2012 passed by the first respondent and quash the same and consequently directing the second respondent The Conservator of Forests, Madurai Circle, Madurai, to provide the appointment under "Compassionate ground" in any other suitable post to the second petitioner herein, M.Murugan, S/o (Late) M.Rathinam.

For Petitioners : Mr.G.Saravanakumar

For Respondents : Mr.E.Manoharan
Additional Govt. Pleader

O R D E R

The claim for compassionate appointment made by the writ petitioners was rejected by the first respondent in his proceedings dated 30.03.2012, on the ground that the husband of the first petitioner was employed as Gardner on daily wage basis

in the Forest Department. Further, the husband of the first petitioner was not absorbed in the regular vacancy and therefore the legal heirs of the deceased daily wage employee are not entitled to avail the scheme of compassionate appointment as per the Government Orders in force.

2.The fact remains that the husband of the first writ petitioner late M.Rathinam was appointed as Gardner on daily wage basis and subsequently, he died on 22.12.2011, while he was continuing as daily wage employee. Thus, the scheme of compassionate appointment is restricted only to the permanent Government employees working in the regular establishment in the sanctioned post and scheme cannot be extended to the daily wage employee.

3.Thus, there is no irregularity or infirmity in the impugned order passed by the first respondent, in view of the fact that the deceased employee was serving only on daily wage basis. Thus, no relief as such sought for by the writ petitioners in this writ petition can be granted by this Court. Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

rpa
To

1.The Principal Chief Conservator of
Forest Department
Panagal Maaligai,
Saidapet, Chennai 600 015.

2.The Conservator of Forests
Madurai Circle, Madurai.

3.The Divisional Forest Officer
Social Forestry Division
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+1 C.C. to M/S. Government Pleader(Forest), XXVII, High
court SR.NO. 72796/17

+1 C.C. to M/S.G.SARAVANAKUMAR Advocate SR.NO. 73273/17

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CA (CO)
T.R (11/11/2017)