

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No. 2958 of 2017

N. Manjunath

...Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary to Govt.,
Social Welfare Department,
Secretariat,
Chennai - 600 009.
2. The Director of Social Welfare,
Chepauk, Chennai - 600 005.
3. The District Collector,
Krishnagiri District,
Krishnagiri.
4. The Commissioner,
Sullagiri Panchayat Union,
Krishnagiri District.

...Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 3rd respondent to appoint the petitioner in the post of Noon Meal Organizer by considering his application dated 11.02.2008 seeking appointment on compassionate ground, within a reasonable time.

For Petitioner :: Mr.C. Mahendran

For Respondents :: Mr.O.Selvam,
Govt. Advocate for R1 to 3
Mr.O.R. Maheswaran for R4

O R D E R

By consent, the main writ petition itself is taken up for final disposal.

2. Mr.O. Selvam, learned Government Advocate accepts notice on behalf of respondents 1 to 3 and Mr.O.R.Maheswaran, learned counsel accepts notice on behalf of the 4th respondent.

3. The petitioner would aver that his father was employed as an Organiser in Noon Meal Scheme Centre at Pathalapalli Panchayat Union Elementary School and he died in harness on 26.05.2002 leaving behind the petitioner, his mother Lakshmiamma and his brother Ganesa, as legal heirs. The petitioner, on getting legal heirship certificate on 11.09.2002, made an attempt to submit an application for compassionate ground appointment and having found that the said post is reserved for female candidates, has waited and thereafter, a positive recommendation was made by the 3rd respondent in Na.Ka.No. 27688/09/X.1 dated 24.09.2009 to the 2nd respondent and the office of the District Collector has also forwarded necessary documents to the 2nd respondent, vide communication dated 30.06.2009 and once again, a reminder was also sent by the 3rd respondent to the 2nd respondent by Letter in Na.Ka.No. 18496/2008/X1 dated 30.11.2014.

4. Learned counsel for the petitioner would submit that despite a positive recommendation having been made by the 3rd respondent, so far, no orders have been passed conferring the benefit of compassionate ground appointment in favour of the petitioner and therefore, prays for appropriate orders.

5. The learned Government Advocate appearing for respondents 1 to 3 would submit that based on the recommendation made by the 3rd respondent, the 2nd respondent will forward a proposal to the 1st respondent and the 1st respondent will pass orders on the said proposal, as expeditiously as possible.

6. This Court has considered the rival submissions and also perused the typed set of documents.

7. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances, directs the 2nd respondent to act on the communication of the 3rd respondent dated 24.09.2009 in Na.Ka.No. 27688/09/X.1 as well as reminder dated 30.11.2014 in Na.Ka. No. 18496/2008/X1 and forward a proposal, within a period of six weeks from the date of receipt of a copy of this order and the 1st respondent, on receipt of the said proposal, is directed to consider the same, on merits and in accordance with law and pass orders, within a

further period of eight weeks thereafter and communicate the decision taken to the petitioner as well as to the 4th respondent. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nv

To

1. The Secretary to Govt.,
Social Welfare Department,
Secretariat,
Chennai - 600 009.
2. The Director of Social Welfare,
Chepauk, Chennai - 600 005.
3. The District Collector,
Krishnagiri District,
Krishnagiri.
4. The Commissioner,
Sullagiri Panchayat Union,
Krishnagiri District.

+1cc to Mr.Rajavel, Advocate, S.R.No.8421
+1cc to the Government Pleader, S.R.No.8055

SVJ(CO)
RS(22/02/2017)

सत्यमेव जयते

W.P. No. 2958 of 2017

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