

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No. 2959 of 2017

B. Thirupathi

...Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
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 Block Development Officer,
Krishnagiri 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 2nd respondent to appoint the petitioner in the post of Noon Meal Organizer by considering the petitioner's application dated 03.02.2008 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.I. Arokiasamy,
Govt. Advocate 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.I. Arokiasamy, learned Government Advocate accepts notice on behalf of the 4th respondent.

3. The mother of the petitioner, while working as a cook in Noon Meal Scheme Centre at Uppukuttai Panchayat Union Elementary School, died in harness, on 24.04.2004 leaving behind the petitioner has her only legal heir. The petitioner, after getting legal heirship certificate on 07.06.2004, submitted an application on 03.02.2008, seeking compassionate ground appointment, as he had completed X standard. It is the case of the petitioner that as per G.O.No. 198 Social Welfare Department dated 25.10.2007, priority will be given to the families of deceased Government Employees, in case of compassionate ground appointment, by relaxing the rules. In this regard, the Personal Assistant to the District Collector has already sent a proposal, enclosing additional particulars, vide communication dated 26.06.2008 in Na.Ka.No. 18496/2008/X1 to the 2nd respondent. Since no orders have been passed, the petitioner has come forward to file the present writ petition.

4. This Court heard the submissions of Mr.C. Mahendran, learned counsel for the petitioner, Mr.O. Selvam, learned Government Advocate for respondents 1 to 3 and Mr.I. Arokiasamy, learned counsel for the 4th respondent.

5. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to act on the communication of the Personal Assistant to the District Collector in Na.Ka.No. 18496/2008/X1 dated 26.06.2008 and if the papers are otherwise in order, the 2nd respondent shall forward a proposal to the 1st respondent within a period of six weeks from the date of receipt of a copy of this order and on receipt of the proposal from the 2nd respondent, the 1st respondent 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 Government,
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 Block Development Officer,
Krishnagiri Panchayat Union,
Krishnagiri District.

+1cc to Mr.Rajavel, Advocate, S.R.No.8434
+1cc to the Government Pleader, S.R.No.8056

SVJ(CO)
RS(23/02/2017)

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