

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.12.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.11416 of 2013

W.M.P.No.1 of 2013

M.Abbas

..Petitioner

Vs.

1.The Government of Tamil Nadu
Represented by its Secretary,
Department of Forest,
Fort St.George,
Chennai.

2.The District Forest officer,
Niligiris North Division,
Ootacamund,
Niligiris District.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, to direct the respondents to appoint the petitioner in the suitable post in the Department of Forest, Government of Tamil Nadu, on compassionate ground.

For Petitioner : Mr.C.D.Sugumar

For Respondents : Mr.E.Manoharan
Additional Government Pleader
(Forests)

O R D E R

The relief sought for in this writ petition is to direct the respondents to appoint the petitioner in the suitable post in the Department of Forest, Government of Tamil Nadu, on compassionate ground.

2.The very same petitioner filed a Writ Petition in W.P.No.33071 of 2012, seeking the similar prayer of appointment on compassionate ground.

3.The learned counsel appearing for the writ petitioner states that the first writ petition was filed during the life time of his father, the second writ petition was filed after the death of his father. Such a submission makes less difference itself, in view of the fact that the relief sought for in both the writ petitions are seeking appointment on compassionate grounds. Thus, it is to be construed that the writ petitioner has filed two different writ petitions, one challenging the order of rejection, rejecting the claim of the writ petitioner for compassionate appointment and the other writ petition is filed for a direction to consider his claim for compassionate appointment.

4.The learned counsel for the writ petitioner made a submission that the representation was submitted to the respondents seeking appointment on compassionate grounds and the same is to be considered in accordance with the terms and conditions of the scheme.

5.This Court is of the opinion that the claim of the writ petitioner for compassionate appointment was already rejected by the respondents in proceeding dated 17.08.2012 and the order of rejection was challenged in W.P.No.33071 of 2012, thus the second writ petition filed with a prayer akin to that of the prayer sought for in W.P.No.33071 of 2012 cannot be considered. The writ petitioner has not established any separate cause of action for filing the present writ petition in W.P.No.11416 of 2013. Even for issuing the direction to consider the representation, the petitioner has to establish a legal right. In the absence of any such legal right no such direction even to consider the representation can be issued by this Court under Article 226 of the constitution of India.

6.At the outset, the writ petitioner has failed to establish even a Semblance of Right so as to consider his prayer for a direction to consider the representations by the respondents. Thus, no further adjudication needs to be undertaken in respect of the grounds raised in this Writ Petition.

7.Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

stm/ah

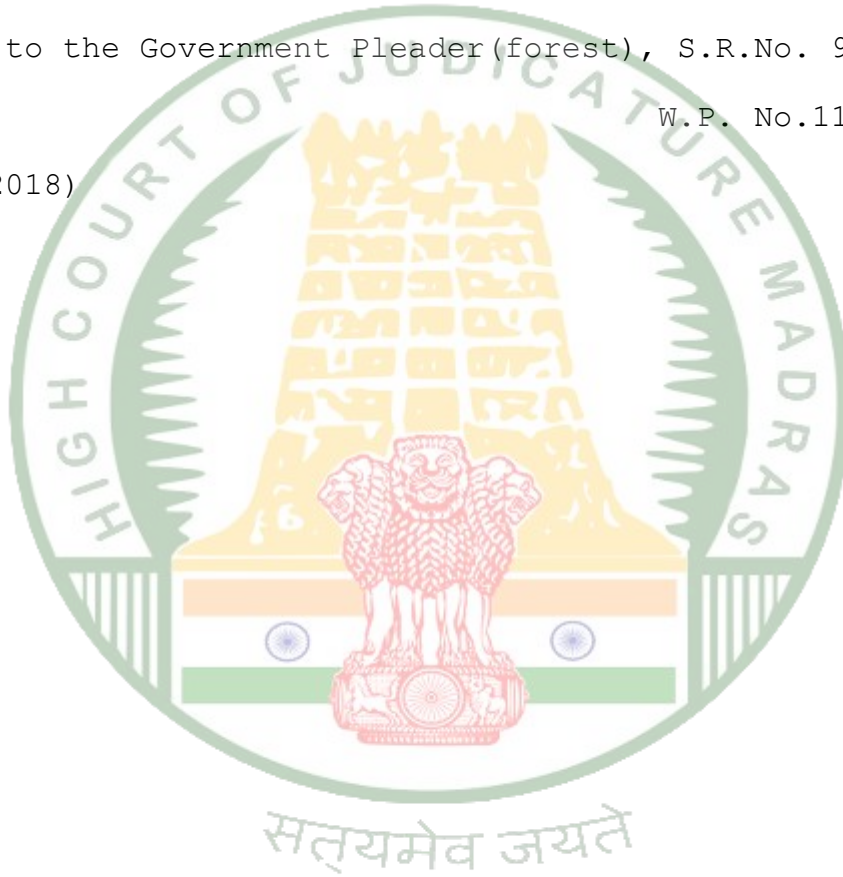
To

- 1.The Secretary,
The Government of Tamil Nadu,
Department of Forest,
Fort St.George, Chennai.
- 2.The District Forest officer,
Niligiris North Division,
Ootacamund, Niligiris District.

+1cc to the Government Pleader(forest), S.R.No. 90670

W.P. No.11416 of 2013

TR(29/01/2018)



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