

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.6478 of 2017

D. Srinivasan

Petitioner

vs.

1 The Secretary
Legislative Assembly Secretariat
Chennai 600 009

2 The Under Secretary
Legislative Assembly Secretariat
Chennai 600 009

3 The District Collector
Chennai District
Chennai 600 001

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the third respondent to appoint the petitioner on compassionate ground within a stipulated time.

For petitioner Mr. G. Mutharasu

For respondents Mr. K. Rajendra Prasad
Government Advocate

ORDER

Mr. K. Rajendra Prasad, learned Government Advocate, accepts notice for the respondents. With consent, this writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition has been preferred seeking a writ of mandamus directing the third respondent to appoint the petitioner on compassionate ground within a stipulated time.

3 The petitioner's father V.C. Dilli Babu, while serving as Record Clerk in the office of the respondents 1 and 2, died in harness on 31.01.2011, after putting in more than 33 years of service without giving any room for any complaint, leaving behind the petitioner, his mother and his elder sister. After his demise, the petitioner made an application to the first respondent on 28.02.2011 along with all necessary documents, seeking appointment on compassionate ground and also followed it up with many a representation. Considering the pitiable plight of the petitioner's family, the Under Secretary, Legislative Assembly Secretariat, the second respondent, addressed a letter dated 15.06.2011 to the District Collector, the third respondent, seeking a consolidated certificate with regard to the petitioner's request, pursuant to which, the District Collector, on 06.07.2011, directed the Tahsildar to submit a consolidated certificate qua the petitioner. On receipt of the said communication from the District Collector, the Tahsildar also sent a letter dated 20.07.2011 to the second respondent, based on which, the first respondent addressed a letter dated 24.04.2015 to the third respondent, directing the latter to give appointment to the petitioner on compassionate ground. But, the third respondent has neither considered

the petitioner's request nor complied with the direction issued by the respondents 1 and 2.

4 Placing on record the communication dated 24.04.2015 issued by the first respondent to the third respondent, it is submitted by the learned counsel for the petitioner that when there was a specific direction given by the first respondent to the third respondent to consider the case of the petitioner for giving appointment to the petitioner on the basis of the educational qualification possessed by him, the third respondent cannot merely say that there is no suitable job/post available in the office of the third respondent. The learned counsel for the petitioner further submitted that on the basis of the direction issued by the respondents 1 and 2, a direction may be given to the third respondent to appoint the petitioner on compassionate ground, considering his family circumstances.

5 As a riposte, the learned Government Advocate appearing for the respondents submitted that the communication dated 24.04.2015 also shows that there is no suitable post/job available in the office of the third respondent to accommodate the petitioner by issuing appointment order; however, a direction may be given to the third respondent granting sufficient time to consider the case of the petitioner.

6 Concededly, the communication dated 24.04.2015 issued by the first respondent to the third respondent clearly directs the latter to issue an order of appointment on the basis of the educational qualification possessed by the petitioner. When such is the factual position, the third respondent is directed to consider the case of the petitioner for any suitable job on the basis of the direction issued by the first respondent and also taking into account the educational qualification of the petitioner.

With the above direction, this writ petition stands disposed of. No costs.

cad

16.03.2017

To

- 1 The Secretary
 Legislative Assembly Secretariat
 Chennai 600 009
- 2 The Under Secretary
 Legislative Assembly Secretariat
 Chennai 600 009
- 3 The District Collector
 Chennai District
 Chennai 600 001

T. RAJA, J.

cad

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