

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2017

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THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.44006/2016

M.Karuppan

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Petitioner

Vs

1.The Director,
Rural Development & Panchayat Raj
Department, Panagal Building,
Saidapet, Chennai 600 015.

2.The District Collector
Dharmapuri District.

3.The Project Director cum Member
Secretary, Rural Development
Agency, Dharmapuri,
Dharmapuri District.

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Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents herein to regularise the services of the petitioner's father Late M.Mari in the post of Office Assistant from the initial date of appointment will all consequential monetary and service benefits as was done for the identically situated individuals vide G.O.Ms.No.57, dated 20.06.2013 and G.O.Ms.No.100 dated 02.09.2016 and consequently, consider and appoint the petitioner on compassionate grounds in any of the post which is commensurate with his educational qualification as permissible under the applicable Government orders.

For Petitioner : M/s.Dakshayani Reddy
For Respondents : Mr.K.Dhananjayan, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents.

2 The petitioner would state among other things, that his father [Late] M.Mari, was originally appointed in the Revenue Department during the year 1970 through sponsorship from the jurisdictional Employment Exchange, as Masalchi and subsequently, vide proceedings of the Personal Assistant to the District Collector, Dharmapuri District dated 14.09.1971, the petitioner's father was promoted to the post of Watchman and his services were also regularised with effect from 08.10.1971 and the probation was also declared with effect from 07.10.1972. The father of the petitioner was also given promotion to the post of Office Assistant vide proceedings dated 26.02.1977. Subsequently, the Dharmapuri District Development Corporation was ordered to be wind up in whose services the father of the petitioner was placed and there was also a direction to establish Dharmapuri District Rural Development Agency as was prevailing practice there. The Government had also issued G.O.Ms.197 dated

27.07.2000, granting power to the District Collector to disburse the salary and other benefits to the erstwhile employees of the Dharmapuri District Development Corporation Limited. The petitioner would further claim that the 2nd respondent, vide proceedings dated 22.04.2003, had ordered absorption of the petitioner's father as Office Assistant in the District Development Agency, Dharmapuri and continued to work in that capacity till his demise on 07.05.2003. The petitioner, after the demise of his father, submitted a representation seeking appointment on compassionate ground and he was informed that there was a ban on recruitment and subsequently, the 3rd respondent vide proceedings dated 08.08.2006, had recommended to the 1st respondent, for inclusion of the petitioner's name in the list of the dependents being maintained for appointment on compassionate ground. The Government had also issued G.O.Ms.No.57, dated 20.06.2013, absorbing 15 individuals who were hitherto employees of the erstwhile Dharmapuri District Development Corporation Limited as staffs of Rural Development and Panchayat Raj Department and also regularised their services from the date of their initial appointment and though the name of the petitioner's father was under consideration, he died on 07.05.2003, pending consideration of the same and the grievance expressed by the petitioner is that persons who were similarly placed, got the benefit of the

compassionate ground appointment and regularisation and whereas the claim of the petitioner has been unjustly overlooked and hence, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner would submit that the matter in issue is squarely covered by the following judgments, viz., [1]Judgment dated 22.04.2014 made in WA.No.413/2013 [G.Ashokan Vs. the District Collector, Tiruvannamalai District, Tiruvannamalai and another] ; [2]Order dated 08.03.2016 made in WP.No.41074/2015 [M.Farthima Vs. The Registrar, High Court, Chennai-102 and others] and would further aver that the petitioner, in this regard has also submitted very many representations and also drawn the attention of this Court to the recommendations made by the 3rd respondent dated 06.11.2015 to the 1st respondent in Na.Ka.No.712/2013/R14 and prays for appropriate orders.

4 This Court heard the submissions of Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents.

5 Though the petitioner has prayed 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 1st respondent to consider and dispose of the petitioner's representations dated 03.11.2016 and 21.11.2016 respectively on merits and in accordance with law, after taking note of the communication of the 3rd respondent dated 06.11.2015 in Na.Ka.No.712/2013/R14 and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6 The writ petition stands disposed of with the above direction. No costs.

03.01.2017

Index : No
Internet : Yes

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M.SATHYANARAYANAN, J.,

AP

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