

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.44282/2016

R.Karthik

..Petitioner

Vs

1.The District Collector
Cuddalore District,
Cuddalore.

2.The Block Development Officer
Mangalore Panchayat Union
Cuddalore District.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to consider the petitioner's representation dated 14.11.2013 for compassionate appointment within stipulated time to be fixed by this Court.

For Petitioner : M/s.P.T.Ramadevi
For R1 : Mr.R.A.S.Senthilvel, AGP
For R2 : Mr.V.S.Ramesh, GA

ORDER

By consent, the writ petition is taken up for final disposal. Mr.R.A.S.Senthilvel, learned Additional Government Pleader accepts notice on behalf of the 1st respondent and Mr.V.S.Ramesh, learned Government Advocate who accepts notice on behalf of the 2nd respondent.

2 The petitioner would claim that he belongs to Backward Class Community and his mother, viz., Tmt.Mani, W/o.Ramalingam, was appointed as a Noon Meal Assistant in the Government Higher Secondary School, Sirupakkam Village, Thittakudi Taluk, Cuddalore District, vide proceedings dated 29.08.1989 passed by the Deputy Inspector of Government Schools, Thittakudi on a temporary basis and again, she was appointed in the very same post on 31.01.1994 by the 2nd respondent and got promotion as Cook in the very same School. It is the further claim of the petitioner that ever since the date of appointment, his mother

continue to discharge her duty honestly and sincerely and without any blemish. The petitioner further averred that all of a sudden, due to illness, his mother died on 12.04.2205 and at the time of her demise, she left behind her husband and two children, which include the petitioner also and both of them were in the age of minority and as such, the application for compassionate ground appointment could not be made. The petitioner, subsequently, got qualified by acquiring B.E., degree in Mechanical Engineering in the year 2012 and thereafter submitted an application dated 14.11.2013 seeking appointment on compassionate ground and since it has not been considered and given disposal, he came forward to file the present writ petition.

3 The learned counsel for the petitioner would submit that since the petitioner was a minor at the relevant point of time, he could not submit the application and it would be suffice to direct the respondents to consider and dispose of the representation dated 14.11.2013 submitted by the petitioner on merits and in accordance with law, within a stipulated time.

4 Per Contra, Mr.R.A.S.Senthilvel, learned Additional Government Pleader appearing for the 1st respondent and Mr.V.S.Ramesh, learned Government Advocate, appearing for the 2nd respondent would submit that the application submitted by the petitioner is highly belated and in the light of passage of time, the application submitted by the petitioner seeking appointment on compassionate ground is hit by delay and laches and pray for dismissal of the writ petition.

5 This Court has considered the rival submissions and also perused the materials placed before it.

6 This Court, taking into consideration, the limited scope of prayer sought for by the petitioner and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 14.11.2013 on merits and in accordance with law 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.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

AP

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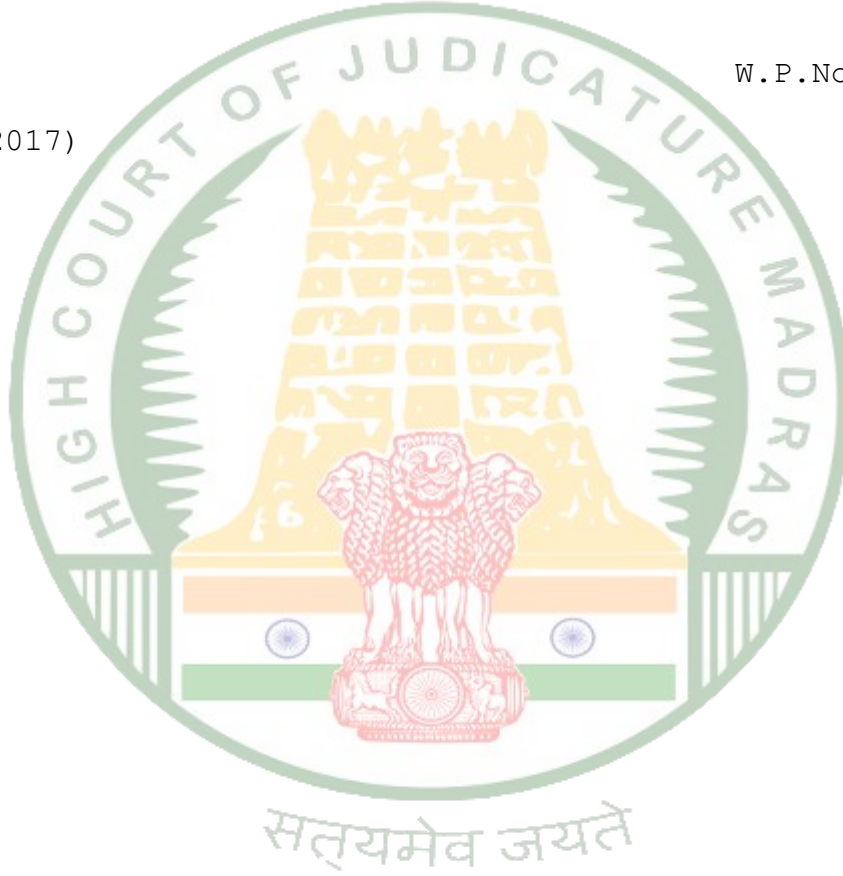
1.The District Collector
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2.The Block Development Officer
Mangalore Panchayat Union
Cuddalore District.

+1cc to M/s P.T.Ramadevi, Advocate Sr.20/2017.
+1cc to Government Pleader, Sr.No.211/2017.

SV(CO)
GN(24/01/2017)

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