



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.04.2017**

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CORAM:

THE HONOURABLE **MR. JUSTICE T.S.SIVAGNANAM**

AND

THE HONOURABLE **MR. JUSTICE P.VELMURUGAN**

W.A.(MD) No.411 of 2017

and

C.M.P.(MD).No.3719 of 2017

- 1.The Secretary to Government,
Revenue Department,
Secretariat, Chennai -600 009.
 - 2.The Commissioner of Revenue Administration,
Ezhilagam, Chepauk,
Chennai-600 005.
 - 3.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- ...Appellants/Respondents
Vs.

C.Kaveri

...Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent Act to allow the writ appeal by setting aside the orders of this Court, dated 28.09.2016 made in W.P.(MD).No.11660 of 2015.

Prayer in WP(MD). 11660/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first and second respondents i.e., Secretary to Government, Revenue Department, Chennai and Commissioner of Revenue Administration, Chennai to pass appropriate orders on the reference No. Rc. A3/22052/2012 dated 30.05.2013 of the District Collector, Ramanathapuram, within a specified time frame that maybe fixed by this Honourable High Court.

For Appellants	: Mr.V.Muruganantham Additional Government Pleader
For Respondent	: Mr.S.Visvalingam

**JUDGMENT**

[Judgment of the Court was delivered by **T. S. SIVAGNANAM, J**]

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Heard Mr.V.Muruganantham, learned Additional Government Pleader for the appellants and Mr.S.Visvalingam, learned counsel for the caveator. By consent, the writ appeal itself is taken up for final disposal.

2. The appeal by the Government and 2 others is directed against the order dated 28.09.2016 in W.P.(MD).No.11660 of 2015. The said writ petition was filed by the respondent herein for a Mandamus to direct the respondents 1 and 2 therein to pass appropriate orders on the proceedings dated 30.05.2013.

3. On a perusal of the factual position in the instant case, we find that it appears to be a very pathetic case which definitely requires a compassionate consideration. The petitioner's father who employed in the Taluk Office as Record Clerk died in harness on 14.11.1993 and the writ petitioner's mother was offered appointment on compassionate ground as Junior Assistant in the Taluk Office at Ramanathapuram on 19.10.1994. Subsequently, the petitioner's mother also died on 28.05.1996. As a result of which, the petitioner who was then about 3 years old, was looked after by her grand father, who himself was a very old man. The grand father made an application to the third appellant to offer appointment to the writ petitioner on compassionate ground. The application was rejected on the ground that the writ petitioner was a minor. Subsequently, the writ petitioner grand father died on 26.03.2003. Thus, the writ petitioner became an orphan. After completing her XII examinations and attaining majority, she made a request for appointment on compassionate ground. The request was taken on file and the District Collector called for proposal from the Tahsildar, Ramanathapuram vide memo dated 23.10.2010. The Tahsildar, submitted a report to the District Collector vide letter dated 18.07.2011, for which clarification was sought for from the Commissioner of Revenue Administration and it was reported that the writ petitioner's seniority is number 2 in the waiting list and 8 posts have been allotted to the Ramanathapuram District for appointment on compassionate grounds vide proceedings dated 30.05.2013. However, in spite of such report, being submitted and posts being allotted to the Ramanathapuram District, no orders were passed and therefore the writ petitioner approached the Court seeking for a direction to pass appropriate orders on the proceedings dated 30.05.2013.

<https://hcservices.ecourts.gov.in/hcservices/>

4. Thus the instant case is not a case where application given



by the writ petitioner was rejected. On the other hand, the application was found to be eligible and the petitioner's name was maintained in the waiting list and her case was favorably recommended as against sanctioned post for Ramanathapuram District. Thus, the decision referred to by the learned Additional Government Pleader would be inapplicable to the facts and circumstances of the case.

5. For the above reasons, we find no grounds to interfere with the order passed in the writ petition. Accordingly, the writ appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Secretary to Government,
Revenue Department,
Secretariat, Chennai -600 009.

2.The Commissioner of Revenue Administration,
Ezhilagam, Chepauk,
Chennai-600 005.

3.The District Collector,
Ramanathapuram District,
Ramanathapuram.

+1cc to SPECIAL GOVERNMENT PLEADER in SR. No.53085
+1cc to Mr.S.VISVALINGAM Advocate in SR. No.52603

JIKR
JS/JC/3.05.2017/3P-6C

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C.M.P. (MD) .No.3719 of 2017
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