



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2017

CORAM

WEB COPY

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.7470 of 2014

S.Jeyaseelan

... Petitioner

Vs.

1. The Chief Commissioner and Director,
Measurement and Land Tax Programme Office,
Chepauk, Chennai-5.
2. The Secretary,
Revenue Department,
Secretariat, Fort St.George, Chennai-9.
3. The District Collector,
Madurai District, Madurai.
4. The Assistant Director,
District Measurement Office,
Madurai-20.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issuance a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 15.04.2014 to give the job under compassionate ground.

For Appellant : Mr.M.Punitha Devakumar
For Respondents : Mr.V.Muruganamtham
Additional Government Pleader

O R D E R

This Writ petition has been filed for issuing a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 15.04.2014 for getting a job on compassionate ground.

2. The facts of the case is that the petitioner is father, who was working as a Survey Assistant in the fourth respondent's office died on 05.11.2001. After the death of his father, the family members were not able to maintain themselves and at that time the petitioner has completed S.S.L.C course and on 17.01.2002 had given



an application seeking a job on compassionate ground. The said application was given within three years from the date of death of his father. There was a ban and the Government had stopped the appointments on compassionate ground. In the mean time, during the year 2004 the petitioner's sister namely Hema had given an application for seeking job on compassionate ground and the petitioner has also given no objection for the same. But, the said application was rejected for the reason that she is married. Once again in the year 2006 the petitioner gave himself an application. However, the first respondent has rejected the application stating that the time is barred for applying and hence his request can not be considered. Again on 31.01.2012 and 15.04.2014 the petitioner has sent reminding application for compassionate appointment and no order has been passed till date hence the petitioner has filed the present writ petition.

3. The learned counsel for the respondents would submit that the petitioner's application did not contain necessary and required documents for considering the case of the petitioner.

4. As per the recent judgment of this Court, the appointment can be considered regarding the married daughter, of the deceased person. That apart, when the petitioner as the legal heir of the deceased had also given an application for compassionate appointment on 17.01.2002 itself and the same can be considered by the respondents. Hence, the petitioner is directed to enclose all the necessary documents in a proper form along with the representation dated 15.04.2014 to the third respondent/District Collector within a period of three weeks from the date of receipt of copy of this order and thereafter the third respondent shall consider the representation of the petitioner and pass suitable orders on merits as per the prevailing rules and in accordance with law within a period of three months, if he is otherwise eligible.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Commissioner and Director,
Measurement and Land Tax Programme Office,
Chepauk, Chennai-5.



2. The Secretary,
Revenue Department,
Secretariat, Fort St.George,
Chennai-9.

3. The District Collector,
Madurai District,
Madurai.

4. The Assistant Director,
District Measurement Office,
Madurai-20.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 91124

PSD

TE/SV-MMS/SAR-4 : 26/12/2017 : 3P/6C

W.P. (MD) No. 7470 of 2014
05.12.2017