



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 14.02.2017**

CORAM

WEB COPY

**THE HON'BLE MR.JUSTICE S.VAIDYANATHAN**

**W.P. (MD) No.2422 of 2017**

A.Deepajothi .. Petitioner  
Vs.

- 1.The Secretary to Government,  
Tamil Nadu Health and Family Welfare Department,  
Secretariat, Chennai - 600 009.
- 2.The Director of Medical and Rural Health Services,  
No.359, Anna Salai,  
Teynampet, Chennai - 600 006. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the second respondent to take further action as per letter in Na.Ka.No.35288/Ni.Bi 8/1/2014, dated 5.10.2015 regarding the Petitioner's appointment on compassionate ground on par with the appointments already made in respect of the legal heirs of the deceased employees upto 4.3.2002 within the time specified by this Court.

For Petitioner : M/s.S.Visvalingam  
For Respondents : Mr.K.P.Krishnadoss,  
Govt.Advocate

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**O R D E R**

This Writ Petition has been filed, seeking a direction to the second respondent to take further action as per letter in Na.Ka.No.35288/Ni.Bi 8/1/2014, dated 5.10.2015 regarding the Petitioner's appointment on compassionate ground on par with the appointments already made in respect of the legal heirs of the deceased employees upto 4.3.2002 within the time specified by this Court.

2.Mr.K.P.Krishnadoss, learned Government Advocate takes notice for the respondents. By consent of both parties, the Writ Petition itself is taken up for final disposal at the admission stage



3.The Petitioner has come forward with the prayer that the Petitioner's father died as early as in the year 2002 and that after attaining majority, the Petitioner made necessary representation including relevant particulars and sought for compassionate appointment. Accordingly, this Court disposed of the earlier Writ Petition in W.P.No.28207 and 2014, by order dated 29.10.2014 to dispose of the representation of the Petitioner dated 16.11.2006.

4.Even though delay has occurred on the part of the Petitioner, the learned counsel for the respondents would submit that for the purpose of giving employment on compassionate ground, a separate list was maintained and all the vacancies will not be filled up on compassionate appointment and only 25% of the vacancies will be filled up by compassionate appointment. For that purpose, they are maintaining separate seniority list and the Petitioner's name is there and his name will be considered once her turn comes.

5.In reply, the learned counsel for the Petitioner would submit that recently the request of the wards of the employees who died upto 4.3.2002 has been considered and that the Petitioner is next only in the list and her name got to be considered. If the Petitioner is in the seniority list and if there are any vacancies, based on the seniority list, the Petitioner's case may be considered and the Petitioner's may be accommodated, if found suitable to any post.

6.With the above observation, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

vsn

To:

1.The Secretary to Government,  
Tamil Nadu Health and Family Welfare Department,  
Secretariat, Chennai - 600 009.

2.The Director of Medical and Rural Health Services,  
No.359, Anna Salai, Teynampet, Chennai - 600 006.

+1CC to Mr.S.Visvalingam, Advocate Sr.No.8034

+1CC to Spl.Government Pleader Sr.No.8377

GJM/BS/3.3.17-2p-5C