



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:14/06/2011

CORAM

THE HONOURABLE Mr.JUSTICE K.VENKATARAMAN

Writ Petition (MD) No.71 of 2011 in MP(MD)No.1 of 2011

N.Mariappan

:Petitioner

-Vs-

- 1.The Principal Secretary to Government of Tamil Nadu,
Milk and Dairy Development, Secretariat, Chennai - 9.
- 2.The Special Commissioner,
Milk and Dairy Development, Chennai - 600 051.
- 3.The Deputy Registrar, Milk and Dairy Development,
Madurai Road, Tirunelveli-627 001.
- 4.The Secretary, Milk and Dairy Development,
Madurai Road, Tirunelveli.

:Respondents

Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to call for the records and quash the order passed by the third respondent in his proceedings No.324/2010AA3 dated 23.04.2010 and consequently direct the third respondent to appoint the petitioner in any of the existing or future vacancies in the cadre in which he is eligible with effect from the date of petitioner's eligibility.

For petitioner :Mr.M.Vinoth Singh Misra

For RR1 to RR3 :Mr.S.Chandrasekar

For RR4 :No appearance

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3.

2.The petitioner has come up with the present writ petition challenging the impugned proceedings of the third respondent dated 23.04.2010, wherein and whereunder, the petitioner was informed that there is no vacancy to appoint the petitioner on compassionate ground.

3.The case of the petitioner is that his father one Nainar was working as a night watchman in the third respondent society and died on 04.04.1987. Thereafter, the petitioner sought appointment on compassionate ground. However, so far the same was not considered. Hence, the petitioner has come up with the present writ petition for the relief set out earlier.

4.The impugned order shows that there is no vacancy to appoint the petitioner. When there is no vacancy, the petitioner cannot expect the respondents to give appointment on compassionate ground. Taking such view, the writ petition is disposed of with a direction to the respondents to consider the claim of the petitioner, if any vacancy arises in future, on merits and in accordance with law. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Deputy Registrar (LA)

/ TRUE COPY /

Assistant Registrar

To:

- 1.The Principal Secretary to Government of Tamil Nadu,
Milk and Dairy Development, Secretariat, Chennai - 9.
- 2.The Special Commissioner, Milk and Dairy Development, Chennai - 600 051.
- 3.The Deputy Registrar, Milk and Dairy Development, Madurai Road, Tirunelveli-1
4. The Secretary, Milk and Dairy Development, Madurai Road, Tirunelveli.

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RR

RP/27.06.2011/1P/5C.

WP(MD)No.71 of 2011 and MP.No.1 of 2011
14.06.2011.