

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.A. No. 2475 of 2013

1. The Secretary to Government of Tamil Nadu
Revenue Department,
Secretariat,
Chennai - 9
2. The District Collector,
Thiruvarur.
3. The Tahsildar,
Nannilam Taluk,
Nannilam,
Thiruvarur District ... Appellants/ Respondents

Vs.

R. Sekar ... Respondent/ Petitioner

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order of this court dated 21.01.2013 in W.P. No. 25195 of 2007 filed under Article 226 of the Constitution of India praying for Writ of Certiorari Mandamus to call for the records in pursuance of the impugned order passed by the II respondent in Na.a.No.10233/2007/A3 dt 28.6.2007 and to quash the same and consequently direct the respondents to appoint the petitioner as Junior Assistant or Village Administrative Officer on compassionate ground with reference to his minimum general educational qualification in the available vacancy in the II respondents Respondent Revenue unit.

For Appellants : Ms.A. Sri Jayanthi,
Spl. Government Pleader

For Respondent : Mr.S.Sounthar

J U D G M E N T
(Delivered by M.M.Sundresh,J.)

This appeal is directed against the order of the learned Single Judge, who was pleased to direct the appellant authorities to appoint the respondent to the post of Village Assistant on the ground of compassionate appointment by placing reliance upon the earlier judgments of the Division Bench involving similar facts.

2. The only submission made by the learned Special Government Pleader is that the father of the respondent was not appointed as a permanent employee in the sanctioned post.

3. A Division Bench of this Court, considered the very same issue vide order dated 12.04.2005 in W.P.No.17494 of 2001 and held that such contention cannot be sustained in the eye of law. We are in respectful agreement with the order of the Division Bench.

4. In the case on hand, the father of the respondent was employed as Thalaiyari by the order dated 26.07.1972 and died on 28.08.1987. Thus, he worked for a period of 15 years. Even if one goes by the judgment of the Apex Court, a person is entitled to be considered for absorption permanently after putting in 10 years of service. When these facts are not in dispute, we are inclined to agree with the order of the learned Single Judge. After all, the respondent seeks his appointment to the post of Village Assistant, which is not a very high post.

In such view of the matter, we do not find any error in the order of the learned Single Judge. The writ appeal stands dismissed. No costs. Consequently, M.P.No.1 of 2013 is closed.

सत्यमेव जयते

Sd/-
Assistant Registrar(CS viii)

//True Copy//

Sub Assistant Registrar

ssm
To

1. The Secretary to Government of Tamil Nadu
Revenue Department,
Secretariat,
Chennai - 9

2. The District Collector,
Thiruvarur.

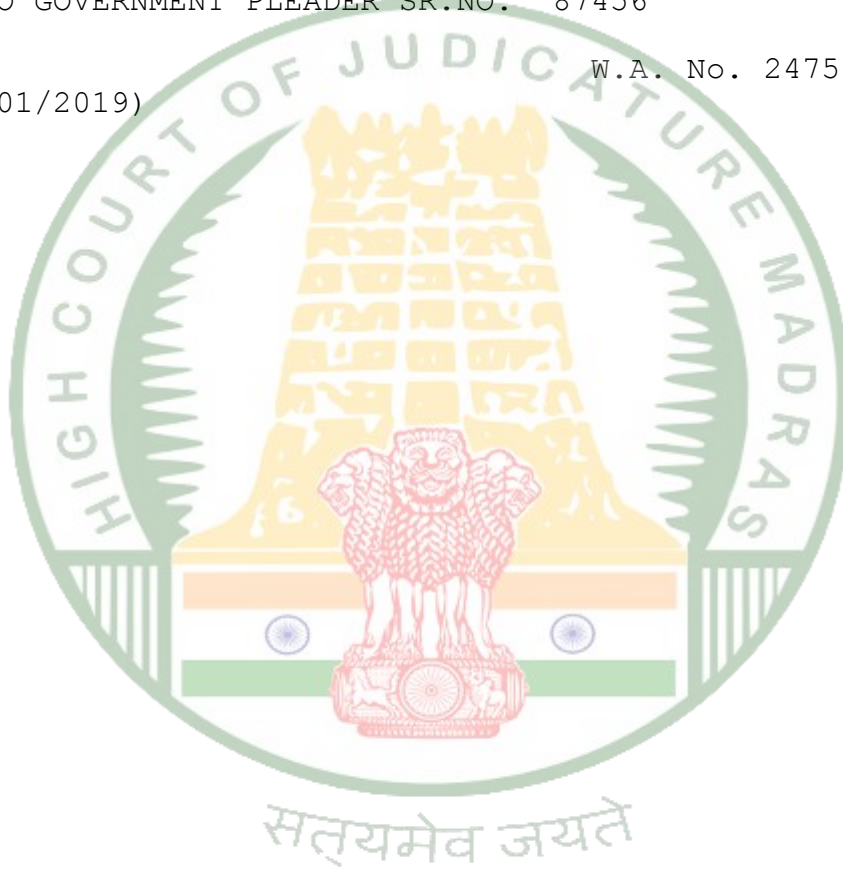
3. The Tahsildar,
Nannilam Taluk,
Nannilam,
Thiruvarur District

+1cc to Mr.S.Sounthar , Advocate SR.No. 84672

+1 CC TO GOVERNMENT PLEADER SR.NO. 87456

ASK(03/01/2019)

W.A. No. 2475 of 2013



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