



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2018

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH
and
THE HON'BLE Mr. JUSTICE N.ANAND VENKATESH

Rev. Apln. (W) No.174 of 2018

R.Sudhakar

.. Petitioner

Vs.

1.Secretary to Government,
Labour and Employment Department,
Fort St. George, Chennai - 9.

2.The Director,
Town Panchayat, Kuralagam,
Chennai - 108.

3.The District Collector,
Villupuram District,
Villupuram.

4.The Executive Officer,
Town Panchayath,
Thiyagathurgam,
Villupuram District.

.. Respondents

Review Application preferred under Order XLVII Rule 1 r/w
Section 114 of C.P.C. against the order of this Court made in
W.A. No.317 of 2014 dated 22.09.2014.

WA.No.317/2014

Writ Appeal filed for clause 15 of the Letter Patent Act
against the order dated 25.06.2012 passed in WP.No.6341 of 2008

WP.No.6341 of 2008

Writ Petition filed under Article 226 of the Constitution of
India praying this Hon`ble Court to issue a writ of
certiorarified Mandamus to call for the records of the
respondents dated 04.06.2007 and quash the order passed hereon



and to give Promotion as Junior assistant a Bill collector a any other post to the petitioner under the S.C.Quota from the date of his appointment as 11.10.2000 (Prayer in the writ Petition was amended as per order dated 16.09.2008 -MP.2/2008)

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For Petitioner : Ms.Selvi Rajesh

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

By the instant petition, the petitioner seeks review of the order dated 22.09.2014 made in W.A.No.317 of 2014.

2.The petitioner's father died in harness and the petitioner was appointed as Record Clerk in the Town Panchayat Office at Ulundurpet on compassionate grounds. Thereafter, the petitioner made a request for appointing him in the post of Junior Assistant/Typist/Bill Collector and the same was rejected by the third respondent. The writ petition filed against the same was dismissed and the same was confirmed by the Division Bench in W.A.No.317 of 2014.

3.Learned counsel appearing for the petitioner would submit that the Division Bench was not right in rejecting the prayer by placing reliance upon the earlier writ petition, which is only filed for a writ of mandamus.

4.In the counter affidavit filed by the fourth respondent in the writ petition, it has been stated that the proposal sent by the second respondent for filling up the post of Junior Assistant/Typist/Bill Collector under compassionate ground is under consideration with the Government. We do not know whether the Government has taken a final decision on the proposal aforesaid.

5.Thus, we do not find any ground to review the order as the petitioner has come to the Court without even waiting for the decision of the Government when the compassionate appointment is not a matter of right and it is subject to the rules and regulations and Government Orders.

6.However, taking into consideration the facts and circumstances of the case, a direction is issued to the first respondent to take a final decision pursuant to the proposal sent by the second respondent within a period of eight weeks from the date of receipt of a copy of this order, if not taken already. Depending upon the aforesaid decision to be taken or already taken, the case of the petitioner will have to be considered within a further period of six weeks thereafter by



respondents 3 and 4 as the case may be.

7. With the above observation and direction, the Review Application stands dismissed. No costs.

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Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mmi

To

1. The Secretary to Government,
Labour and Employment Department,
Fort St. George, Chennai - 9.

2. The Director,
Town Panchayat, Kuralagam,
Chennai - 108.

3. The District Collector,
Villupuram District,
Villupuram.

4. The Executive Officer,
Town Panchayath,
Thiyagathurgam,
Villupuram District.

+1cc to Mr.P.Rajesh, Advocate, S.R.No.40316

Review Appln. (W)No.174 of 2018

SV(CO)
GSP(17/07/2018)