

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.10.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.764 of 2018

V.Vanazhagan

..Petitioner

vs

1. The Director,
Fire and Rescue Service Department,
No.17, Rukmani Lakshmipathi Street,
Egmore, Chennai - 600 008.

2. The District Officer,
Fire and Rescue Service Department,
Villupuram Division,
Villupuram - 605 602.

3. The District Collector,
Villupuram District,
Villupuram.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the impugned order in passed by the 3rd respondent in O.Mu.(A4)/21374/2017 dated 04.08.2017 but sign dated 07.08.2017 and quash the same and consequently direct the 3rd respondent to include the name of the petitioner in Special Register for Inter Departmental compassionate appointment seniority list maintained under G.O.M.s Nop.216 Labour and Employment (Q1) Department dated 15.11.2007.

For Petitioner : Mr.R.Kumaravel

For Respondents : Mr.R.S.Selvam
Government Advocate

O R D E R

The relief sought for in the present writ petition is to quash the order of the third respondent dated 04.08.2017, issued by the District Collector, Villupuram.

2. The learned counsel for the writ petitioner states that the father of the writ petitioner was employed in the Fire and Rescue Service Department and he met with an accident and passed away on 14.12.2012, while he was in service. The writ petitioner submitted an application seeking appointment on compassionate ground dated 01.03.2013. However, the case of the writ petitioner was not considered, on account of the fact that the vacancies in the Fire and Rescue Service Department was not available. Thus, the case of the writ petitioner was sent back to the District Collector for the purpose of providing appointment, in accordance with the seniority which is maintained by the District Collector in a special register.

3. The learned counsel for the writ petitioner states that the case of the writ petitioner is to be considered by maintaining his name in the special register being maintained by the District Collector for the purpose of providing appointment on compassionate grounds, in accordance with the terms and conditions of the scheme itself. The inter departmental seniority list has been maintained by the District Collector in the special register. Therefore, such a facility to be extended to the writ petitioner by registering his name in the special register maintained by the District Collector.

4. The learned Government Advocate appearing on behalf of the respondents states that the vacancies are not available in the Fire and Rescue Service Department and the name of the writ petitioner is kept in Sl.No.43 in the Fire and Rescue Service Department. Thus, the case of the writ petitioner would be considered in accordance with the seniority either by the current department or by the District Collector by including his name in the Inter departmental seniority list maintained in the special register.

5. This Court is of an opinion that the case of the writ petitioner is to be considered in accordance with the seniority and as per the terms and conditions of the scheme of compassionate appointment.

6. The learned Government Advocate also reiterates that even as per the impugned order, the benefit of compassionate appointment will be provided to the writ petitioner in accordance with the scheme without any deviation.

7. In view of the submissions, the respondents are directed to consider the case of the writ petitioner in accordance with the terms and conditions of the scheme and as per the seniority list, as and when the vacancy arises either in the Fire Service Department or in accordance with the seniority maintained in the special register.

8. With these observations, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

pns

To

1. The Director,
Fire and Rescue Service Department,
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2. The District Officer,
Fire and Rescue Service Department,
Villupuram Division,
Villupuram - 605 602.
3. The District Collector,
Villupuram District,
Villupuram.

+1cc to Mr.R.Kumaravel, Advocate, S.R.No.74275
+1cc to the Government Pleader, S.R.No.74891

W.P.No.764 of 2018

rrs 14/11/2018

सत्यमेव जयते

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