

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.54 of 2018

A.Elangovan ... Appellant/Petitioner

-vs-

1.The Regional Director,
Municipal Administration, Chengalpet.

2.The Commissioner,
Nellikuppam Municipality,
Nellikuppam.

... Respondents/Respondents

Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.18044 of 2017 dated 17.07.2017.

Writ Petition filed u/a.226 of the Constitution of India, to issue a writ of certiorified calling for the records of the 2nd respondent in his proceedings in Na.Ka. No.626/2006/ C1 dated 13.8.2007 and Na.Ka.NO.1578/2017/C1 dated 19.6.2017 and quash the same and thereby direct the respondents to appoint the petitioner in a suitable post on compassionate grounds.

For Appellant :: Mr.N.Suresh

For Respondents:: Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

JUDGMENT
(Delivered by HULUVADI G.RAMESH, J.)

The appellant herein filed a writ petition in W.P.No.18044 of 2017 before this Court challenging the orders of rejection passed by the second respondent in Proceedings dated 13th August 2007 and 19th June 2017, wherein the appellant sought for an appointment on compassionate grounds. The learned single Judge has rejected the writ petition on the ground that 12 years have elapsed from the date of death of the deceased Government Employee and that this Court was unable to come to a conclusion that still the family is in indigent circumstances.

2.Challenging the said order, the present writ appeal has been filed.

3.The learned counsel for the petitioner has submitted that the learned single Judge ought to have taken into consideration the certificate issued by the Tahsildar, Panruti about the indigent circumstance, before dismissing the writ petition. He also submitted that as per G.O.Ms.No.155 dated 16.07.2999, if a dependent of a family employed even before the death of Government servant and was living separately without extending any help to the family, then the case of eligible dependent will be considered. Stating so, he prayed for quashing the order passed by the learned single Judge with a direction to the authorities to grant compassionate appointment to the appellant.

4.Per contra, the learned Special Government Pleader appearing for the respondents has submitted that the learned single Judge has considered the matter in proper perspective and has passed the impugned order rejecting the case of the appellant and hence the same does not require any interference.

5.Heard the learned counsel on either side and perused the materials available on record.

6.It is seen from the records that the appellant's father died in the year 2005 and the initial rejection of compassionate appointment was issued by the authorities in the year 2007 and the appellant was pursuing the representation for about 10 years till the next rejection order was passed in the year 2007. The learned single Judge, after analysing this aspect, rightly held that altogether 12 years have elapsed from the date of death of the deceased Government employee and in such circumstance, this Court is unable to come to a conclusion that still the family is in indigent circumstance. We are not inclined to interfere with the said factual finding rendered by the learned single Judge, in this respect.

7.The writ appeal is dismissed. No costs.

Assistant Registrar
Dt.15.2.18

//True Copy//

Sub Assistant Registrar

To

1.The Regional Director,
Municipal Administration, Chengalpet.

2.The Commissioner,
Nellikuppam Municipality,
Nellikuppam.

+1 cc to Govt.Pleader,sr.8424

+1 cc to Mr.N.Suresh,advocat,sr.8067.

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