

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2018

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No. 30754 of 2008

M.Gopinath

.. Petitioner

Vs.

1. The District Collector,
Nagapattinam District.

2.The Director of Child Welfare,
Taramani, Chennai - 113.

3.The Director of Social Welfare and
Nutritious Meal Programme,
No.48, L.B. Road, Adyar,
Chennai - 20.

4.Government of Tamil Nadu rep. by
its Secretary,
Social Welfare and Nutritious Meal
Scheme Department,
Fort St. George, Chennai - 9.

..Respondents

Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of certiorarified mandamus to call for the records in proceedings Na.Ka.No.1391/Aa1/2007(Oguvathi) dated 06.12.2008 on the file of the first respondent and quash the same and direct the first respondent herein to issue orders for appointment on compassionate ground appointing the petitioner either in Noon Meal Centre or Child Welfare and Nutritious Centre in Sirkali Taluk or elsewhere in Nagapattinam District under the control of the first respondent.

For Petitioner : Mr.S.Sadasharam

For Respondents: Mr.R.Govindasamy,
Addl. Govt. Pleader

O R D E R

Challenging the order of the first respondent dated 06.12.2008 and for a consequential direction to the first respondent to issue orders for appointment on compassionate ground by appointing the petitioner either in Noon Meal Centre or Child Welfare and Nutritious Centre in Sirkali Taluk or elsewhere in Nagapattinam District under the control of the first respondent, the present writ petition has been filed.

2.The petitioner's request for compassionate appointment was rejected on the ground that at the time of the death of the employee, who died in harness, there was no scheme. Consequently, it was held that the employee died on 28.05.1997 and as the Government Order providing for compassionate appointment has come into effect with effect from 25.10.2007, the request is not feasible for consideration. Incidentally, it was also held that the petitioner is 40 years old with sufficient means.

3.Heard the learned counsel appearing for the parties.

4.Learned counsel appearing for the petitioner submits that considering the fact that the petitioner is the legal heir of the deceased, the order impugned has to be set aside.

5.This Court does not find any merit in the writ petition. Compassionate appointment is only a concession, which is subject to the Rules governing. Admittedly, the employee died on 28.05.1997. The Government Order in G.O.Ms.No.198 Social Welfare and Noon Meal Scheme Department is dated 25.10.2007. Therefore, no reliance can be made on the aforesaid Government Order for the death of the employee while in service in the year 1997. After all, the object behind the compassionate appointment is to tide over the financial difficulty arisen by the sudden death of the employee in service. The petitioner was 40 years old at the time of passing the impugned order. A factual finding has also been given that he is having sufficient means.

6.In such view of the matter, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mmi

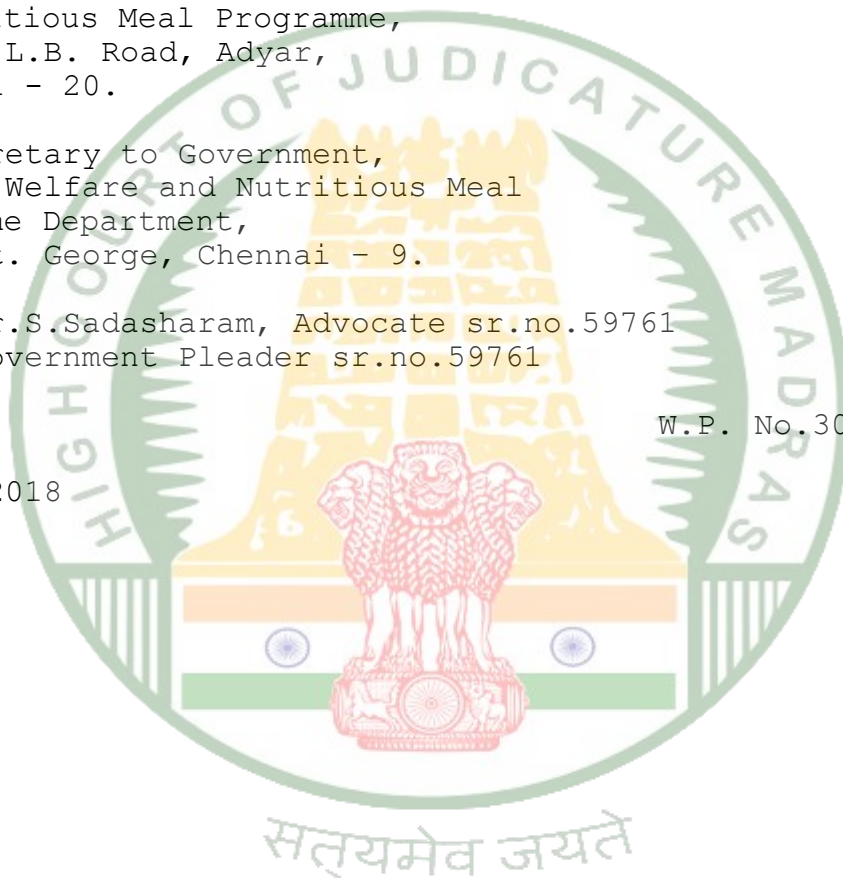
To

1. The District Collector,
Nagapattinam District.
- 2.The Director of Child Welfare,
Taramani, Chennai - 113.
- 3.The Director of Social Welfare and
Nutritious Meal Programme,
No.48, L.B. Road, Adyar,
Chennai - 20.
- 4.The Secretary to Government,
Social Welfare and Nutritious Meal
Scheme Department,
Fort St. George, Chennai - 9.

+1cc to Mr.S.Sadasharam, Advocate sr.no.59761
+1cc to Government Pleader sr.no.59761

W.P. No.30754 of 2008

nr 11/09/2018



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