

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.05.2018

C O R A M

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.12717 of 2018

P.Balaji

... Petitioner

Vs.

1.The Assistant Director of Town Panchayat
Vellore Region, Vellore District.

2.The Executive Officer
Sengam Selection Grade Town Panchayat
Thiruvannamalai District.

.... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to reconsider and pass orders on the representation dated 11.05.2018 regarding compassionate appointment based on the proposal sent by the second respondent in his Pro.Na.Ka.No.295/2013/A1/ dated 27.04.2016 (i.e. Two retirement vacancies one Thiru Selvadurai, Watchman post arose in the month of June 2018 and other person Thiru Anthony, Sweeper post arose in the month of July 2018 in the second respondent Town Panchayat.

For Petitioner : Mr.M.Ramadhass

For Respondents: Mr.K.Karthikeyan
Government Advocate

ORD E R

This Writ Petition has been filed by the petitioner to issue a writ of Mandamus directing the first respondent to consider the petitioner's representation dated 11.05.2018.

2. Mr.K.Karthikeyan, learned Government Advocate takes notice for the respondents. By consent of both sides, the Writ Petition is taken up for final disposal.

3. It is the case of the petitioner that his father viz.,K.Pichandai was appointed as Sweeper on a consolidated pay of Rs.900/- vide proceedings dated 21.05.1998 of the second respondent. His father died on 09.04.2004 while in service.

Hence, the petitioner's mother made a representation for compassionate appointment. The second respondent vide letter dated 15.02.2005 rejected her application on the ground that there was a ban on fresh recruitment by the Government. Thereafter, the petitioner's mother gave another representation on 01.08.2006 to the District Collector, Thiruvannamalai, for compassionate appointment and the same has been forwarded to the second respondent. Subsequently, the first respondent vide letter dated 25.01.2007 directed the mother of the petitioner to approach the second respondent with all relevant documents. In the mean while, the petitioner's mother filed a writ petition in W.P.No.25376 of 2013 to bring the service of the petitioner's father into regular time scale of pay. This Court vide order dated 03.10.2013 directed the respondents to bring the services of the petitioner's father into regular time scale of pay from the date of completion of 3 years of service in the consolidated pay. Pursuant to the said order, the second respondent regularised the service of the petitioner's father with effect from 20.07.2001. According to the petitioner, in view of the regularisation order, the petitioner is entitled for appointment on compassionate grounds as per the rules in force. Hence, the petitioner's mother submitted representation dated 17.09.2014 to the second respondent for compassionate appointment. Thereafter, the second respondent vide letter dated 19.09.2014 directed the petitioner to furnish certain documents and the same was also produced. The second respondent vide letter dated 27.04.2016 has sent a proposal to the first respondent regarding compassionate appointment to the petitioner. Since no order was passed, the petitioner has come up with this writ petition.

4. Heard the learned counsel for the petitioner and the learned Government Advocate on behalf of the respondents.

5. In the light of limited prayer made in the writ petition, without going into the merits of the case, the first respondent is directed to consider the representation of the petitioner, dated 11.05.2018 and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of with the above direction. No costs.

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

mayya

To

1.The Assistant Director of Town Panchayat
Vellore Region, Vellore District.

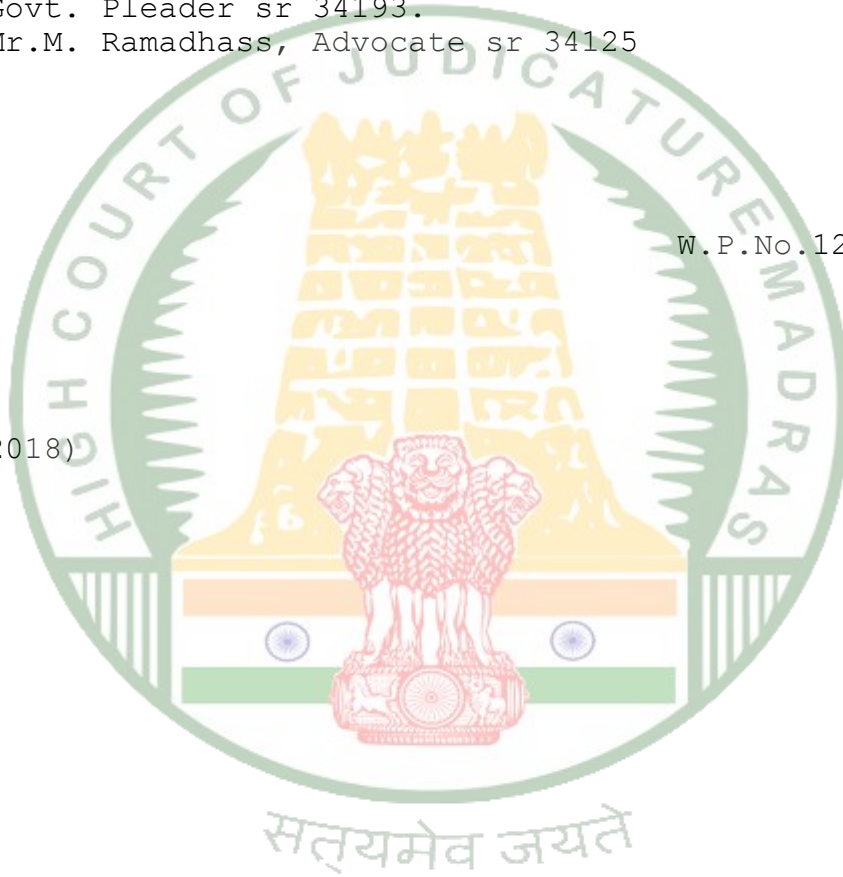
2The Executive Officer
Sengam Selection Grade Town Panchayat
Thiruvannamalai District.

+1 CC to Govt. Pleader sr 34193.

+1 CC to Mr.M. Ramadhass, Advocate sr 34125

W.P.No.12717 of 2018

SP(31/05/2018)



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