

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.2688 of 2018

S. Deivigan

.... Petitioner

vs

1. The District Collector,
Collectorate Villupuram,
Villupuram District

2. The Revenue Divisional Officer,
Thirukovillur,
Villupuram District

3. The Thasildar,
Ulundurpettai Taluk,
Villupuram District

.... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus to call for the records pertaining the impugned Express Memo issued by the first respondent through his proceedings in Na.Ka.No.A4/16226/2017 dated 12.09.2017 as illegal and quash the same and directing the first respondent to consider the petitioner's appointment on the compassionate ground for the demise of his father Srinivasan.

For Petitioner :: Mr.G. Ranganathan
For respondents:: Mr.R.S. Selvam
Govt. Advocate

ORDER

The writ petition is directed against the order passed by the The District Collector, Villupuram District, the first respondent herein, on 12.09.2017, declining the request of the petitioner for appointing him on compassionate ground. The request was declined on two grounds.

2. Firstly, the petitioner's father died on 14.07.1986 and the application, said to have been made by the petitioner to the third respondent only in the year 1990. In the meantime, the petitioner's brother died on 23.10.2002. Thereafter, the first wife of the petitioner's father died on 29.9.2007. The

petitioner has given a representation to the first respondent on 31.01.2017.

3. Secondly, after thirty one years from the date of the death of the petitioner's father, representation was given for compassionate appointment.

4. The learned counsel for the petitioner submitted that the petitioner is the son of the deceased born through the second wife. However, after the death of his father on 14.07.1986, he is said to have submitted an application on 31.01.2017.

5. There is no proof to that effect. However, after the death of the petitioner's brother on 23.10.2002 and also after the death of the first wife of the deceased on 29.09.2007, a representation was made before the District Collector, Villupuram on 31.01.2017. Thereafter, a Memo was issued by the first respondent on 03.02.2017 to the second respondent to conduct an enquiry and submit a report. Thereafter, the petitioner filed a Writ Petition in WP No.9409 of 2017, seeking a direction to issue a Writ of Mandamus directing the second and third respondents to consider the emergency note issued by the first respondents in favour of the appellant.

6. This Court, by Order dated 19.04.2017, considering the limited prayer sought for by the petitioner, without going into the merits of the matter, directed the respondents third and second respondents to consider the request of the petitioner and forward the report to the first respondent.

7. It is seen from the records that after thirty one years from the date of death of the petitioner's father, the petitioner submitted a representation on 31.01.2017 and he is the son of the deceased born through the second wife.

8. This Court is not able to find any error or illegality in the order passed by the first respondent, declining the request of the petitioner for appointing him on compassionate ground citing the reason that he has moved after thirty one years from the date of his father's death.

9. In the result, the writ petition is dismissed. No costs.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

sr

To

1. The District Collector,
Collectorate Villupuram,
Villupuram District

2. The Revenue Divisional Officer,
Thirukovillur,
Villupuram District

3. The Thasildar,
Ulundurpettai Taluk,
Villupuram

+ 1 cc to Mr. G. Ranganathan, Advocate SR.9576

+ 1 cc to Government Pleader SR.10313

W.P.No.2688/2018

(DR-CS)
EU(05/03/2018)



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