

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.07.2018

CORAM

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

W.P.No.25758 of 2013

and

M.P.No.1 of 2013

S.Ravichandran

..Petitioner

vs

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation Ltd.,
Kilpauk, Chennai - 10.

2.The Senior Regional Manager
Tamil Nadu Civil Supplies Corporation Ltd.,
Court Campus,
Trichy - 620 001.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to consider the claim of the petitioner for appointment on compassionate ground to any eligible post, without reference to upper age limit applicable for direct recruit and to extend all benefits.

For Petitioner सत्यमेव जयते : Mr.L.Chandrakumar

For Respondents : Mr.C.Munusamy

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O R D E R

The relief sought for in this writ petition is for a direction to direct the first respondent to consider the claim of the petitioner for appointment on compassionate ground in any eligible post, without reference to upper age limit applicable for direct recruit and to extend all other benefits.

2. The learned counsel appearing on behalf of the writ petitioner, made a submission that the mother of the writ petitioner was employed as "Sweeper" in the respondents corporation and passed away on 10.02.2010, and the petitioner belongs to the Scheduled Caste Community. The petitioner submitted an application seeking appointment on compassionate ground and the same has not been considered on account of the fact that the writ petitioner was over aged. The learned counsel for the petitioner now submitted the Judgment of this Court in the writ petition No.1565 of 2015 dated 16.10.2015, stating that five years age relaxation was granted to the Scheduled Caste candidates and the relevant portion of the Judgment in Paragraph Nos. 4 & 8, are extracted hereunder:

"4. In the present case, the learned Single Judge of this Court, has also considered the case of one Mr.R.R.Chandrasekaran, aged about 38 years, wherein, the Government, by relaxing the age limit, have issued G.O.(I) No.785 dated 30.12.1996, and appointed the said Mr.R.R.Chandrasekaran, as Junior Assistant in Tamil Nadu Ministerial Services.

8. In the case on hand, the writ petitioner's father was a Village Administrative Officer. Writ petitioner is a member of a downtrodden community. When the Government have considered a similar case and issued orders in G.O.(I) No.785, dated 30.12.1996, by relaxing the age limit for one Mr.R.R. Chandrasekaran, though he had exceeded the age limit prescribed, by three years, on the ground that he belongs to Scheduled Caste community, the same yardstick should be applied to the case of the writ petitioner also, who is also similarly placed."

3. In view of the above Judgment, the case of the writ petitioner is to be reconsidered. Thus, the respondent is directed to reconsider of the case of the writ petitioner in accordance with the terms and conditions of the scheme of compassionate appointment and pass appropriate order on merits and in accordance with law if the petitioner is qualified and eligible within a period of 12 weeks from the date of receipt of a copy of this order.

4. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nmm/stm

To

- 1.The Managing Director,
Tamil Nadu Civil Supplies Corporation Ltd.,
Kilpauk, Chennai - 10.
- 2.The Senior Regional Manager
Tamil Nadu Civil Supplies Corporation Ltd.,
Court Campus,
Trichy - 620 001.

+1cc to Mr.C.Munusamy, Advocate Sr.45878

+1cc to Mr.L.Chandrakumar, Advocate Sr.45877

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and
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GJ II[co]
srg 2/8/2018

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