



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.1278 of 2018

M.Suresh

... Petitioner

Vs.

1. The Additional Director General of Police,
Prison Department,
Chennai Metropolitan Development Authority Tower II,
No-1, Gandhi Irwin Road,
Egmore,
Chennai-600 008.

2. The Superintendent of Police,
Central Prison,
Madurai - 625 016.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd Respondent vide proceeding in No. 16388/Ki.Si.1/2014 dated 21.08.2015 and quash the same as illegal and consequently to direct the Respondents No.1 and 2 to give suitable employment to the petitioner under compassionate appointment scheme within a stipulated time that may be stipulated by this Honble Court.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.M.Jeyakumar,
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.By consent of both the parties, the main Writ Petition itself is taken up for final disposal.

3.The petitioner's father was employed in the Prison Department. He died on 16.10.2014, while in service. The petitioner applied for being appointed on compassionate grounds. The said request was rejected by order dated 21.08.2015, on the ground that the petitioner's brother Karthick has already employed in the Prison Department. The specific case of the petitioner is that the said Karthick got employment in the year 2011 and that



following his marriage, he is no longer supporting the family.

4. The learned counsel appearing for the petitioner drew the attention of this Court to G.O.(Ms).No.155, Labour and Employment Department, dated 16.07.1998, wherein the paragraph No.3, it has been stated as follows:-

"3. In regard to the second condition mentioned in Para 1 above, it is considered that if a member of the family is already in employment and supports the family then the restriction may be applied. When a dependant of the family is employed, the factors to be ascertained are, whether he is regularly employed and is actually supporting the family and is actually supporting the family. If that person was employed even before the death of the Government Servant and was living separately without extending any help to the family, then the case of other eligible dependants will be considered."

5. In this case, it has been demonstrated that the petitioner's brother got employment even before the death of the petitioner's father. Therefore, the ground on which the impugned order of rejection rests is clearly unsustainable in law. The order impugned in the Writ Petition stands quashed.

6. Therefore, the respondents are directed to consider the case of the petitioner on compassionate grounds and pass appropriate orders afresh in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

7. The Writ Petition is partly allowed. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Additional Director General of Police, (Prisons)
Prison Department,
Chennai Metropolitan Development Authority Tower II,
No-1, Gandhi Irwin Road,
Egmore,
Chennai-600 008.



2. The Superintendent of Police,
Central Prison,
Madurai - 625 016.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 44357, 50923

+ 1 CC TO Mr.R.KARUNANIDHI, ADVOCATE IN SR No. 49974

TSG

TE/SV-MMS/SAR-4 : 31/05/2018 : 3P/5C

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