



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.2592 of 2018

and

W.M.P. (MD) Nos.2791 and 2792 of 2018

K.Suresh Kumar

... Petitioner

Vs.

1. The Director General of Police,
State of Tamil Nadu,
Chennai.

2. The Superintendent of Police,
Sivagangai District,
Sivagangai.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the second respondent made in his proceedings in Na.Ka.No.A4/29383/240/2017 dated 01.12.2017 and to quash the same and consequentially direct the respondents to consider the petitioner's application 27.11.2017 for appointment under compassionate grounds in a proper prospect within a stipulated time.

For Petitioner : Mr.M.Jegadessh Pandian

For Respondents : Mr.M.Jeyakumar
Additional Government Pleader

ORDER

The petitioner's father was working as a Head Constable in the Police Department. He passed away on 08.05.2001 leaving behind the petitioner's mother, the petitioner's elder brother and the petitioner.

2.Application for grant of compassionate appointment was submitted within time and the same was favourably considered and by an order dated 22.09.2007, the petitioner's brother Ramesh Babu was appointed as Grade-II Police Constable. Unfortunately, the



petitioner's brother Ramesh Babu had suffered a major accident in the year 2006. The petitioner's brother suffered dislocation on his left hand arm. Therefore, the petitioner's family could not avail the benefit given by the department. In these circumstances, the petitioner's mother applied again for appointment on compassionate grounds. The said request was rejected by the impugned order dated 01.12.2017. The only reason stated in the impugned order is that the application for grant of compassionate appointment was not submitted within the period of three years from the date of demise of the employee. Of course, it is mentioned in the impugned order that the petitioner's brother Ramesh Babu was offered appointment and the same was not availed.

3. Heard the learned counsel on either side.

4. It is true that the petitioner's brother was indeed, offered appointment on compassionate grounds. It is also true that the said offer was not accepted on the ground that the petitioner's brother met with a major accident and it is now stated that his left hand was amputated. Therefore, only on account of his medical condition, he could not avail the said opportunity. In fact, the petitioner's brother submitted a letter dated 01.10.2007 to the respondent Department stating that he could be given some other post on the civil side. But no order was passed thereafter.

5. In the above circumstances, this Court is of the view that the entire issue will have to be re-considered. In this view of the matter, the order impugned in this writ petition is quashed. The first respondent is directed to consider the petitioner's representation dated 27.11.2017 and pass appropriate orders afresh within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Director General of Police,
State of Tamil Nadu,



2. The Superintendent of Police,
Sivagangai District,
Sivagangai.

+1 cc TO Mr.M.Jegadeesh Pandian , Advocate in SR No. 54570

+1 cc TO The Special Government Pleader in SR No. 54508

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AE/SV MMS/SAR4/19.06.2018/3P/5C

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