



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.07.2018
CORAM

THE HON'BLE Mr.JUSTICE R.SURESH KUMAR

WEB COPY

W.P. (MD) No.16237 of 2018

S.Shanmugaperumal

... Petitioner

-vs-

1.The Secretary to Government,
Health and Family Welfare Department,
Chennai.

2.The Director of '
Medical and Rural Health Services,
Chennai.

3.The Deputy Director of
Health Services,
Tuticorin.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to grant appointment order to the petitioner on the compassionate ground based on the recommendation of the third respondent vide proceedings in Na.Ka.No.6841/Ni3/06 dated 09.09.2016.

For Petitioner : Mr.R.J.Karthick

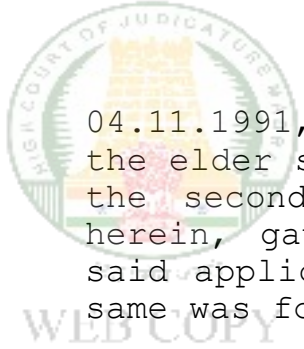
For Respondents : Mr.K.Saravanan, Government Advocate

ORDER

The prayer sought for in this Writ Petition is for a writ of Mandamus, directing the respondents to grant appointment order to the petitioner on the compassionate ground based on the recommendation of the third respondent vide proceedings in Na.Ka.No.6841/Ni3/06 dated 09.09.2016.

2.Heard Mr.R.J.Karthick, learned counsel appearing for the petitioner and Mr.K.Saravanan, learned Government Advocate appearing for the respondents.

3.The learned counsel appearing for the petitioner would submit that the petitioner's father, namely Sankaranainar Pillai, was working in the third respondent Office and he died on 31.12.1987. Thereafter, seeking compassionate appointment to the elder son of the deceased-employee, an application was submitted on



04.11.1991, and when the said application was under consideration, the elder son, namely Pitchapillai, died on 12.11.2006. Thereafter, the second son of the deceased-employee, who is the petitioner herein, gave an application for compassionate appointment and the said application has been accepted by the third respondent and the same was forwarded to the first respondent.

4. Thereafter, the Joint Director of Health Service, Tuticorin, vide proceedings in O.Mu.No.61913/A.Ku.(1)/2016, dated 12.08.2016, as per the proceedings of the second respondent dated 04.08.2016, requested the Government for taking further action for appointing the petitioner on compassionate ground and a copy of such proceedings has been marked to the petitioner also. In this regard, the petitioner has also given a representation, dated 02.07.2018 to the respondents. Since the same has not been considered, the petitioner is before this Court.

5. The learned Government Advocate appearing for the respondents submitted that, the father of the petitioner was working as a Watchman at the third respondent Office and died while he was in service. An application for the compassionate appointment of the brother of the petitioner had been forwarded by the third respondent through the second respondent, who in turn forwarded to the Government for issuing necessary orders and the same is pending with the Government. Therefore, after getting necessary orders from the Government as well as the first respondent, the third and second respondents shall pass orders on merits thereon.

6. In view of the submission made by the both sides, this Court is inclined to pass following orders:-

The first respondent, to whom the proposal was sent by the second and third respondents dated 03.01.2008 and Letter dated 04.08.2016 respectively are pending, is directed to consider the petitioner's grievance with regard to the compassionate appointment and pass orders by taking into account of the situation of the family of the petitioner, who has already lost both his father and brother, who were the bread winner of the family, within a period of eight weeks from the date of receipt of a copy of this order.

7. With these directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Secretary to Government of Tamil Nadu,
Health and Family Welfare Department,
Chennai.



2.The Director of '
Medical and Rural Health Services,
Chennai.

3.The Deputy Director of
Health Services,
Tuticorin.

+1CC to Mr.R.J.Karthick, Advocate, SR.No.74904
+1CC to the Special Government Pleader SR.No.74882

W.P. (MD) No.16237 of 2018
25.07.2018

GNS
ES/PM/SAR 1/26.10.2018/3P/6C