



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD) No.7991 of 2018

A.Poorna Devi

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.Personal Assistant to Collector (Development Section)
Collectorate,
Madurai.

3.The Block Development Officer,
The Block Development Officer,
Tirumangalam,
Madurai District.

... 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 provide the appointment to the petitioner as Junior Assistant on compassionate ground based on petitioner representation dated 06.07.2017 within a time frame fixed by this Court.

For Petitioner : Mr.V.Manikandan

For R1 and R2 : Mrs.Srimathy,
Special Government Pleader

For R3 : Mr.Rajarajan

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus directing the first respondent to provide the appointment to the petitioner as Junior Assistant on compassionate ground based on petitioner representation dated 06.07.2017.

2.Heard Mr.V.Manikandan, the learned counsel appearing for the petitioner and heard Mrs.S.Srimathy, learned Special Government Pleader, appearing for the respondents.



3.The learned counsel appearing for the petitioner would submit that the petitioner was appointed as Office Assistant on compassionate ground on 24.10.2014. At that time, though the petitioner was possessing 10th standard qualification, she was only appointed as Office Assistant.

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4.The learned counsel appearing for the petitioner would submit that as per G.O.Ms.No.1499, Labour and Employment (Q1) Department dated 03.08.1989 a dependant appointed in a lower post on compassionate ground like, Record Clerk or Office Assistant can be considered for higher post like, Junior Assistant provided, if he or she is having qualifications. Based on the said Government Order, the petitioner has given a representation on 06.07.2017 to the first respondent through second and third respondents. However, the said representation has not so far been considered. Therefore, the learned counsel appearing for the petitioner would submit that if a direction is given to the first respondent to consider the representation of the petitioner and an order to that effect is passed, the petitioner will be satisfied.

5.In view of the innocuous prayer now has been sought for by the learned counsel appearing for the petitioner, this writ petition is disposed of at the admission stage itself with consent of both sides with the following directions:

"That the first respondent is directed to consider the representation of the petitioner dated 06.07.2017 with regard to her request for appointment in the higher post in the light of G.O.Ms.No.1499, Labour and Employment (Q1) Department, dated 03.08.1989 and pass orders thereon, on merits in accordance with law within a period of six weeks from the date of receipt of a copy of this order".

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar.

To

1.The District Collector, Madurai District, Madurai.

2.Personal Assistant to Collector (Development Section)
Collectorate, Madurai.

3.The Block Development Officer, The Block Development Officer,
Tirumangalam, Madurai District.

+1CC to Mr.V.Manikandan, Advocate, SR.No. 61012

+1CC to the Special Government Pleader SR.No.61346

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