



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2018

CORAM :

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THE HONOURABLE **DR. JUSTICE G. JAYACHANDRAN**

W.P. (MD) No. 484 of 2015

and

M.P. (MD) Nos. 1 and 2 of 2015

P. Senthilvel Murugan,
S/o. (Late) R. Ramasubramanian Pillai,
Junior Assistant, O/o. Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Thoothukudi. ... Petitioner

Vs.

1. The State of Tamilnadu,
Represented by its Secretary to Government,
Tourism, Culture and Religious Endowments Department,
For St. George, Chennai - 600 009.
2. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam, Chennai - 600 034.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Thoothukudi. ... Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent in his proceedings in Govt. Lr. No. 30421/A.Ni.1/2011-4 dated 08.10.2012 as well as his proceedings in G.O. Lr. (P). No. 29, dated 17.03.2014 and the consequential communication of the third respondent in Me. Ku. Na. Ka. No. 3069/2007/A2 dated 04.02.2013 and Me. Ku. Na. Ka. No. 3069/07/A2 dated 26.05.2014 and quash the same and consequently directing the first respondent herein to regularize the service of the petitioner as Junior Assistant from 27.09.2007 in the office of the third respondent with all attendant benefits.

For Petitioner : Mr. D. Srinivasaragavan
For Respondents : Mr. J. Gunaseelan Muthiah
Additional Government Pleader



ORDER

The petitioner herein was appointed on compassionate ground as Junior Assistant in the office of the Assistant Commissioner, Hindu Religious and Charitable Endowments Department, Thoothukudi, on temporary basis vide order dated 19.09.2007. When the proposal to regularize the service of the petitioner was sent to the first respondent, after completion of two years of service, the proposal was rejected on the ground that the appointment of compassionate ground was made after 18 years from the date of death of the petitioner's father. A representation given by the petitioner to re-consider and regularize his appointment was not considered positively. Citing the case of similarly placed persons' service was regularized, this writ petition has been filed seeking a Writ of Certiorarified Mandamus, to quash the proceedings of the first respondent in Govt.Lr.No.30421/A.Ni.1/2011-4 dated 08.10.2012. It was secondly communicated by the third respondent vide order dated 04.02.2013 and direct the first respondent to regularize the service of the petitioner as Junior Assistant from the date of his appointment.

2. In the counter filed by the respondents, it is submitted that the father of the petitioner died on 07.02.1984, while in service. At that time, the petitioner herein was not born. His mother, wife of the deceased employee made an application for appointment on 26.06.1984. Her application was rejected for want of suitable vacancy. The petitioner made an application seeking employment on compassionate ground, after 18 years of demise of his father and after rejection of the first application made by the mother of the revision petitioner. Citing several G.O.s and decisions of the Courts regarding compassionate appointment, the learned Additional Government Pleader sought for dismissal of the writ petition.

3. The learned counsel appearing for the writ petitioner would submit that at the time of admission, this Court has granted interim stay and is still in service. Further, after filing this writ petition, Government has passed a G.O.Ms.80, Labour and Employment (QU1) Department, dated 02.03.2016 and the subsequent G.O.Ms.No.100, Personnel and Administrative Reforms (M) Department, dated 01.08.2018 reiterating the earlier GO dated 02.03.2016, wherein, the appointment made under compassionate ground till 01.02.2016 shall be regularized without the procedure of obtaining the concurrence of the TNPSC and simplify the process of regularizing the appointments made under compassionate ground.

4. Considering the facts of this case, this Court allowed this writ petition with a direction to the first respondent to re-consider the regularization of the service of the petitioner in the



light of G.O.Ms.No.80, Labour and Employment (QU1) Department, dated 02.03.2016 and pass appropriate orders, preferably, not later than three months. No costs. Consequently, connected Miscellaneous Petitions are closed.

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/True Copy/

Sd/-

Assistant Registrar(ADMN-I)

Sub Assistant Registrar(CS-II)

To

- 1.The Secretary to Government,
Tourism, Culture and Religious Endowments Department,
For St.George, Chennai - 600 009.
 - 2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam, Chennai - 600 034.
 - 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Thoothukudi.
- 1 CC TO Mr.D.SRINIVASARAGAVAN , ADVOCATE IN SR No. 95546.
+1 cc to Special Government Pleader, SR.No.95642.
- SM
DS SKN SAR2 21 12 2018 3P 6C

Order made in
W.P.(MD)No.484 of 2015