



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.02.2018

CORAM :
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
W.P. (MD) .No.1881 of 2016

M.Mani Selvam

...Petitioner

Vs.

1.The Director General,
Central Industrial Security Force,
Head Quarters,
Block-13, CGO Complex,
Lodi Road, New Delhi-110 003.

2.The Inspector General, (South Zone),
Central Industrial Security Force,
Head Quarters,
Rajaji Bhavan,
Besant Nagar, Chennai-600 090.

3.The Commandant,
4th Battalion,
National Disaster Relief Force,
Thakkom, Arakkonam,
Suraksha Campus,
Vellore District-631 152.

... 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 third respondents's proceedings in E-32024/4 Bn.NDRF (A)/com.App/Adm-I/2016/283 dated 12.01.2016 and quash the same as illegal and consequently directing the respondents to give compassionate appointment to the petitioner for the post of Head Constable (Ministerial)/Clerk on the basis of the educational qualification of the petitioner within the time stipulated by this Court.

For Petitioner : Mr.V.Thirumal

For Respondents : Mrs.Victoria Gowri

ORDER

Heard the learned counsel on either side.

<https://hcservices.ecourts.gov.in/hcservices/>

2.By consent of both parties, the main Writ Petition itself is



taken up for final disposal.

3.The petitioner's father was a Central Government Employee. The petitioner's father was employed in the Central Industrial Security Force as Constable. He was missing. This happened in the year 2000. Since more than seven years have lapsed, he was presumed to have suffered civil death. On that basis, benefits were also duly disbursed. The petitioner thereafter sought appointment on compassionate grounds. The said request was denied on the ground that belated cases of more than fifteen years would not be considered.

4.During the pendency of this Writ Petition, the Director of Central Industrial Security Force issued circular No.8 of 2016, omitting the condition that belated cases of more than fifteen years old would not be considered. On account of this amendment, the petitioner's case is eligible to be considered afresh. Taking note of the stand made by the learned senior Counsel, this Writ Petition is allowed.

5.The respondents are directed to forward the petitioner's application to the Ministry of Home Affairs. This shall be done within a period of eight weeks from the date of receipt of a copy of this order. The competent authority shall pass orders within a period of eight weeks thereafter.

6.The Writ Petition is allowed accordingly. No costs.

Sd/

Assistant Registrar (P&A)

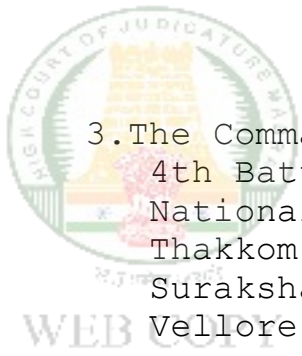
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Sub Assistant Registrar

To

1.The Director General,
Central Industrial Security Force,
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3.The Commandant,
4th Battalion,
National Disaster Relief Force,
Thakkom, Arakkonam,
Suraksha Campus,
Vellore District-631 152.

4.The Secretary to Government of India,
Ministry of Home Affairs,
New Delhi.

+1cc to Mr.L.VICTORIA GOWRI, Advocate, SR.No. 51692
+1cc to Mr.V.THIRUMAL, Advocate, SR.No. 51825

W.P. (MD) .No.1881 of 2016
27.02.2018

TSG
KK/SV MMS/11.05.2018/SAR-4/3P-7C