



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2018

CORAM

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) Nos.14769 to 14771 of 2011
and
M.P(MD)Nos.2,2,2,3,3,3,4,4 and 4 of 2011

1.T.Nagarathinam ... Petitioner in W.P(MD)No.14769 of 2011
2.C.Nagalakshmi ... Petitioner in W.P(MD)No.14770 of 2011
3.P.Venkatesh Pandian ... Petitioner in W.P(MD)No.14771 of 2011

-vs-

1.The Government of Tamil Nadu,
represented by its Secretary,
Home (Pol.XV) Department,
Chennai.

2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai- 600004.

3.R.Meenakshi ... Respondents in all W.Ps.

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Na.Ka.No.15819/Si.Ei.1/2011, dated 28.11.2011, on the file of the second respondent and to quash the same as illegal and consequently to direct the respondents to consider the Petitioners for appointment to the post of Typist within the time stipulated by this Court.

W.P.(MD) Nos.14769 to 14771 of 2011

For Petitioner : M/s.T.Lajapathi Roy
For Respondents : Ms.V.P.M.Vaishnavi
1 and 2 Government Advocate
For Respondent-3 : No appearance

COMMON ORDER

The order of rejection, dated 28.11.2011 maintaining the seniority list of candidates qualified for appointment to the post of Typists on compassionate ground, is under challenge in these Writ Petitions. Further direction is sought for to appoint the petitioners to the post of Typists within the time stipulated by this Court.



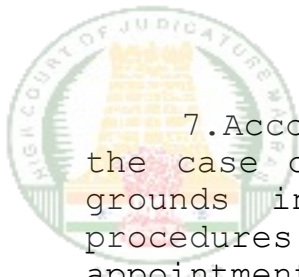
2.The learned counsel for the Writ Petitioners state that the Writ Petitioners were appointed as Data Entry Operators on compassionate grounds. However, the post of Data Entry Operator is a temporary post and the Writ Petitioners are eligible to be appointed as permanent employees to the post of Typists. All the Petitioners are fully qualified to hold the post of Typists and therefore, the respondents ought to have appointed the Writ Petitioners as Typists on compassionate grounds.

3.The grievances of the Writ Petitioners are that a list of candidates qualified for appointment to the post of Typists on compassionate ground was prepared and published by the Director General of Police in proceeding, dated 28.11.2011. However, the said list was not acted upon and appointment to the post of Typists on compassionate grounds was not granted to the Writ Petitioners. Further, it is stated that the seniority list was not followed. Thus the Writ Petitioners are entitled for appointment to the post of Typists as such sought for in these Writ Petitions.

4.The learned Government Advocate appearing on behalf of the respondents 1 and 2 opposed the contention by stating that the Writ Petitioners were already appointed as Data Entry Operators on compassionate grounds and their names are found in the seniority list for appointment to the post of Typists on compassionate grounds. The Department has to act based on the availability of vacancies and based on the same the posts to be provided for compassionate appointees.

5.The learned counsel for the Writ Petitioners states that the seniority of list of candidates eligible for compassionate appointment is to be followed by the respondents. The grievance of the Writ Petitioners are that the respondents have not followed the seniority list while undertaking the process of appointment on compassionate grounds.

6.Appointment on compassionate grounds can never be claimed as a matter of right. However, the scheme of compassionate appointment is to be implemented strictly in accordance with the terms and conditions stipulated in the Government Orders. The authorities competent are bound to follow the rules and regulations in this regard. Violation of rules to be viewed seriously. Compassionate appointment being a special scheme has to be implemented on its own terms and conditions and the same is to be followed scrupulously, whenever the process of appointment is undertaken. The grievance of the Writ Petitioners are that the seniority assigned to them for compassionate appointment has not been followed. Under these circumstances, it is suffice if a direction is issued to the respondents to adhere to the terms and conditions stipulated in the scheme of compassionate appointment.



7. Accordingly, the respondents 1 and 2 are directed to consider the case of the Writ Petitioners for appointment on compassionate grounds in accordance with the rules and regulations and the procedures contemplated under the scheme of compassionate appointment.

8. Accordingly, these Writ Petitions stand disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Government of Tamil Nadu,
Home (Pol.XV) Department,
Chennai.

2. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore,
Chennai- 600004.

+3CC to Mr. T. Lajapathi Roy, Advocate, SR.No. 57017

+1CC to the Special Government Pleader SR.Nos. 57302, 57311

W.P. (MD) Nos. 14769 to
14771 of 2011

and
M.P (MD) Nos. 2, 2, 2, 3, 3, 3, 4,
4 and 4 of 2011
21.03.2018

vsn

AM/KKR/SAR 4/03.04.2018/3P/7C