



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.1368 of 2016

1 K.Vinoth Kumar
Office of the Thasildar,
Krishnagiri District ... PETITIONER

Vs.

1 State Rep. by The Thasildar
Taluk Office Krishnagiri
2 The District Collector
Krishnagiri District. ... RESPONDENTS

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the Respondents to appoint the Petitioner to the post of Junior Assistant.

For Petitioner : Mr.V.P.K.Gowtham

For Respondents : Mr.S.K.Bhuvaneswari, A.G.P.

O R D E R

The writ petitioner was appointed as Record Clerk by the second respondent, by proceedings in letter No.1329 / 2011/A3, dated 28.11.2014 on compassionate ground on the death of his father Kanagasabapathy, who was working as Village Administrative Officer, Ulagam Village, Hosur taluk, Krishnagiri District. While he was in service, he died harness. Therefore, the petitioner made a request to the respondents for appointment to the post of Junior Assistant in revenue department on compassionate ground. However, his request was rejected by the second respondent by stating that the petitioner was studying 10th Standard on the date of death of his father i.e. on 2.11.2004. Challenging the said order, the petitioner has preferred an appeal before the Additional Chief Secretary cum Revenue Administrative Commissioner on 15.5.2019 and still there is no order from the



appellate authority, the petitioner has approached this Court by filing the instant writ petition.

2. Counter affidavit has been filed by the second respondent wherein it is stated that the petitioner was studying 10th standard at the time of death of his father on 2.11.2004. Later, he completed 10th standard and hence he was eligible only for the post of Record Clerk in Revenue Department and he was not eligible to the post of Junior Assistant at the time of death of his father. As per seniority list, he was appointed as Record Clerk by the second respondent in Na.Ka.No.1329/2011 (A3) dated 28.6.2013. He will become Junior Assistant in due course on seniority basis.

3. The learned counsel appearing for the petitioner submits that it is suffice to direct the appellate authority to consider the petitioner's appeal petition, dated 15.5.2015 and pass appropriate orders.

4. The learned Additional Government Pleader appearing for the respondents submitted that the second respondent forwarded a report to the Additional Chief Secretary/Commissioner, Revenue Administration, Chennai - 5 and the appeal filed by the petitioner is still pending before the Additional Chief Secretary/Commissioner, Revenue Administration. The petitioner has filed the present writ petition without awaiting the orders in the appeal. Therefore, the writ petition is liable to be dismissed.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

6. In view of the submissions made by the parties and taking note of the fact that a report has been forwarded to the Additional Chief Secretary/Commissioner, Revenue Administration and the appeal filed before the Commissioner, Revenue Administration is still pending, this Court is not inclined to entertain the writ petition.

7. Accordingly, the Writ petition stands dismissed. However, the the Additional Chief Secretary/Commissioner, Revenue Administration shall pass appropriate orders in the appeal preferred by the writ petitioner, without being influenced by the orders passed herein. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar



vaan

To

WEB COPY

- 1.The Thasildar
Krishnagiri Taluk Office, Krishnagiri
- 2.The District Collector
Krishnagiri District.
- 3.The Additional Chief Secretary/Commissioner,
Revenue Administration,
Chennai-5.

+1cc to the Government Pleader SR.97628

W.P.No.1368 of 2016

SJ(CO)
CB(10/01/2020)