

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :04.02.2019
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.3234 of 2019
and
W.M.P.No.3490 of 2019

R.Rajendran

..Petitioner

vs

- 1.Government of Tamil Nadu
Rep.by Principal Secretary to Government
Environment & Forest Department
Secretariat, Chennai - 600 009
- 2.The Principal Chief Conservator of Forests
(Head of the Forest Department)
Chennai - 600 015.
- 3.The District Forest Officer
Erode Division, Erode. ..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent relating to the order in Na.Ka.No.Pa.2/6142/12 dated 15.5.2018, to quash the same and issue consequential directions to the respondents to consider the claim of the petitioner for appointment on compassionate grounds consequent on the death of his father, Thiru.P.Rajamanickam, while working as Forest Guard, Forest Station, Perundurai, Erode District.

For Petitioner : M/s.M.Ravi

For Respondents : Mr.S.V.Vijayprasanth
Additional Government Pleader(Forests)

O R D E R

The order impugned dated 15.05.2018, rejecting the claim of the writ petitioner for compassionate appointment on the ground that the writ petitioner has not produced the No Objection Certificate(NOC) from the nominees entered in the Service Records of the deceased employee is under challenge in the present writ petition.

2.The learned counsel for the writ petitioner states that the application submitted by the writ petitioner for compassionate appointment was processed by the competent authorities and at the final stage, the same was rejected on the ground that the writ petitioner has to obtain No Objection Certificate(NOC) from the other two persons, whose names are found as nominee in the Service Register of the deceased employee. The deceased employee passed away on 15.08.2012 and the learned counsel for the writ petitioner states that the writ petitioner is the legal heir of the deceased employee and therefore, he is entitled to submit an application seeking appointment on compassionate grounds. The case of the writ petitioner was rejected on the ground that the Service Register of the deceased employee provides the names of other two persons as nominee. Therefore, the writ petitioner has to obtain No Objection Certificate(NOC) from the other two nominees.

3.It is further stated that the other nominee is claiming half of the terminal and retirement benefits for the purpose of providing No Objection Certificate(NOC) in favour of the writ petitioner. Thus, it seems that there are some family disputes exists and therefore, this Court is of an opinion that there is a possibility of two wives for the deceased employee and the fact remains that one Tmt.Muthu Pillai is registered as nominee in the Service Register of the deceased employee. When a name has been entered as nominee in the Service Register of the employee, then the authorities have to follow the due process of law for the purpose of considering the case of the writ petitioner for grant of compassionate appointment. Even in case, where there is more than one wife for the Government employee, the status of the legally wedded wife are to be declared only by the competent Court of law. Thus, the writ petitioner has to establish that he is the legal heir and further he has to explain the claim of other nominee, whose names are entered in the Service Register of the deceased employee.

4.In this regard, the parties have to obtain appropriate orders from the competent Court of law and thus, complicated issues in respect of the legal heirs and the family disputes can never be adjudicated either by the competent authority or by this Court under Article 226 of the Constitution of India. Such a complex facts and circumstances are to be adjudicated by producing the original documents and by adducing evidences before the Court of law. Such an exercise can never be done in a writ proceedings. Thus, the writ petitioner is bound to establish his rights as the legal heir and his entitlement to get compassionate appointment before the competent court of law with reference to the nominations made in the Service Register of the deceased employee.

5.Under these circumstances, the petitioner is at liberty to approach the competent court of law for establishing his rights in the manner known to law. With these observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

kak

To

1.The Principal Secretary to Government
Environment & Forest Department
Secretariat, Chennai - 600 009

2.The Principal Chief Conservator of Forests
(Head of the Forest Department)
Chennai - 600 015.

3.The District Forest Officer
Erode Division, Erode.

+1cc to M/s.M.Ravi , Advocate SR.No. 9499
+1 CC TO GOVERNMENT PLEADER SR.NO. 9338

A.SK (05/03/2019)

W.P.No.3234 of 2019

सत्यमेव जयते

WEB COPY