

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 20.02.2019

CORAM:
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.A No.1763 of 2018

K.Vikram

...Appellant

Vs

1.The Commissioner,
Corporation of Chennai,
Chennai - 600 003.

2.The Zonal Officer,
Corporation of Chennai,
Zone -8, Shenoy Nagar,
No.36-B, Pulla Avenue,
Chennai - 600 030.

...Respondents

Prayer:- Writ Appeal filed under clause 15 of Letters Patent,
against the order made in W.P.No.6489 of 2018 dated 22.03.2018.

Prayer in WP.No.6489 of 2018:

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Certiorarified Mandamus, to
call for the records of the second respondent in
Ma.A8,Na.Ka.No.C3/4554/2017 dated 19.6.2017 and Ma,A8.Na.Ka.No.
C3/4554/2017 8.1.2018 quash the said orders of the second
respondent dated 19.6.2017 and 8.1.2018 and consequently direct
the respondents to provide employment on compassionate basis to
the petitioner in the office of the Second respondent.

For Appellant : Mr.S.Mohanasundararajan

For Respondents: No appearance

J U D G M E N T

(Delivered by K.K.SASIDHARAN,J.)

The application submitted by the appellant for compassionate
appointment was rejected solely on the ground of employment of
his mother as a Scavenger. The order is under challenge
primarily on the ground that the spirit of the Government Order
in G.O.(Ms).No.155 Labour and Employment Department, dated
16.07.1993 was not taken note of by the Corporation.

2. The father of the appellant viz., Thiru.Kondal Rao, was working as a Sweeper cum Scavenger under the Chennai Corporation. He died on 22.09.1995. Since the death was during the currency of the employment, the appellant submitted application for compassionate appointment. The application was rejected solely on the ground that his mother was also an employee of the Corporation. It is the said order, which was unsuccessfully challenged before the Writ Court.

3. The learned counsel for the appellant by placing reliance on the Government Order in G.O.(Ms).No.155 Labour and Employment Department, dated 16.07.1993, contended that the case of the appellant would come within the four corners of the said Government Order and as such, the Corporation was not correct in rejecting the request for compassionate appointment.

4. The application submitted by the appellant for compassionate appointment was rejected only on the ground that his mother was also an employee of the Corporation. The Government Order in G.O.(Ms).No.155 Labour and Employment Department, dated 16.07.1993 contained a stipulation that even in cases, where, another member of the family is employed, still, the eligible dependant is entitled for compassionate appointment, in case, it is made out that the person who was employed was living separately without extending any help to the family. There was no consideration of the case of the appellant in the light of the Government Order in G.O.(Ms).No.155 dated 16.07.1993. The application was rejected solely on the ground that his mother was employed in the Corporation.

5. Since the application of the appellant was not considered in the light of the Government Order in G.O.(Ms).No.155 Labour and Employment Department, dated 16.07.1993, we are constrained to set aside the order passed by the learned single Judge. The order dated 22 March 2018 is set aside.

6. The order dated 19 June 2017 on the file of the second respondent is quashed. We direct the Commissioner, Corporation of Chennai, to consider the case of the appellant for compassionate appointment in the light of the Government Order in G.O.(Ms).No.155 Labour and Employment Department, dated 16.07.1993. Such exercise shall be completed within a period of four months from the date of receipt of a copy of this judgment.

7. The intra court appeal is allowed with the above direction. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

svki

To

1.The Commissioner,
Corporation of Chennai,
Chennai - 600 003.

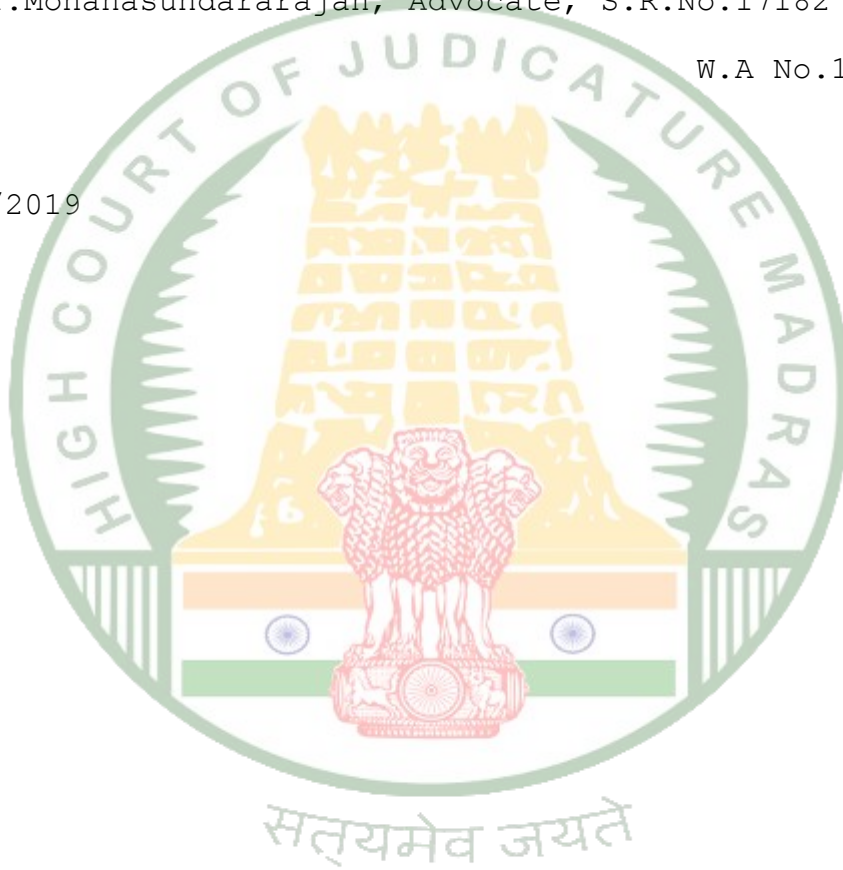
2.The Zonal Officer,
Corporation of Chennai,
Zone -8, Shenoy Nagar,
No.36-B, Pulla Avenue,
Chennai - 600 030.

+lcc to Mr.Mohanasundararajan, Advocate, S.R.No.17182

W.A No.1763 of 2018

SAI (CO)

rrs 27/03/2019



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