

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.35375 of 2013

R.Karunanidhi

... Petitioner

Vs.

1. The Secretary to Government,
Revenue Department,
Government of Tamil Nadu,
St.George Fort, Chennai - 600 009.

2. The Commissioner of Revenue Administration,
Ezhilagam, Chepauk, Chennai - 600 005.

3. The District Collector of Cuddalore,
Collectors Office, Cuddalore Post and District.

4. The Revenue Divisional Officer,
Virudachalam.

5. The Thasildar,
Taluk Office, Thittakkudi.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, for a Writ of Certiorarified Mandamus, against the respondents to call for the records and connected file of the 3rd respondent culminating in his order Na.Ka.A1/26642/2007 dated 29.04.2013 to quash the same and to direct the 3rd respondent to provide a suitable job on on compassionate ground to the petitioner in Revenue Department within a reasonable time.

For Petitioner : Mr.V.Venkatesan

For Respondents: Ms.K.Bhuvaneswari,
Addl.Govt. Pleader
(for R1 to R5)

O R D E R

The instant writ petition is filed for a Writ of Certiorarified Mandamus calling for the records and connected file of the 3rd respondent culminating in his order Na.Ka.A1/26642/2007 dated 29.04.2013 to quash the same and to

direct the 3rd respondent to provide a suitable job on on compassionate ground to the petitioner in Revenue Department within a reasonable time.

2. The petitioner's father who was working as village Assistant passed away on 23.07.1995, leaving behind his wife and two sons. The petitioner states that he sent an application on 25.09.1995, i.e., within two months from the date of the death of his father, claiming an appointment on compassionate basis. The petitioner states that despite his repeated representations, the petitioner was not given the appointment.

3. On 27.02.2013, the 2nd respondent/the Commissioner of Revenue Administration, Chennai, sent a letter to the 4th respondent/the Revenue Divisional Officer, Virudhachalam, with death certificate, income certificate of the father of the petitioner and certificate to prove that nobody in the petitioner's family is employed. The Collector has rejected the petitioner by stating that the application has been made beyond the period of 3 years as required in G.O.Ms.No.120, Labour and Employment Department, dated 26.06.1995.

4. Heard the counsel for the parties.

5. The learned counsel for the petitioner has produced the acknowledgment card as proof of delivery for the application made by him for appointment on compassionate basis. If this is correct, then the reason given for rejecting the application of appointment on compassionate basis given by the respondent is not correct. The impugned order is set aside. The collector, Cuddalore, is directed to reconsider the application of the petitioner for appointment on compassionate basis. The Collector may also satisfy himself as to whether the application dated 25.09.1995 has been received from the petitioner or not. The petitioner is permitted to satisfy the Collector that the application was sent by the petitioner on 25.09.1995 and it was received by the Office of the respondents.

6. The Collector, Cuddalore, is directed to take a decision on the application of the petitioner within a period of 6 weeks from the date of receipt of a copy of this order. Writ Petition is allowed. No Costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government,
Revenue Department,
Government of Tamil Nadu,
St.George Fort, Chennai - 600 009.

2. The Commissioner of Revenue Administration,
Ezhilagam, Chepauk, Chennai - 600 005.

3. The District Collector of Cuddalore,
Collectors Office, Cuddalore Post and District.

4. The Revenue Divisional Officer,
Virudachalam.

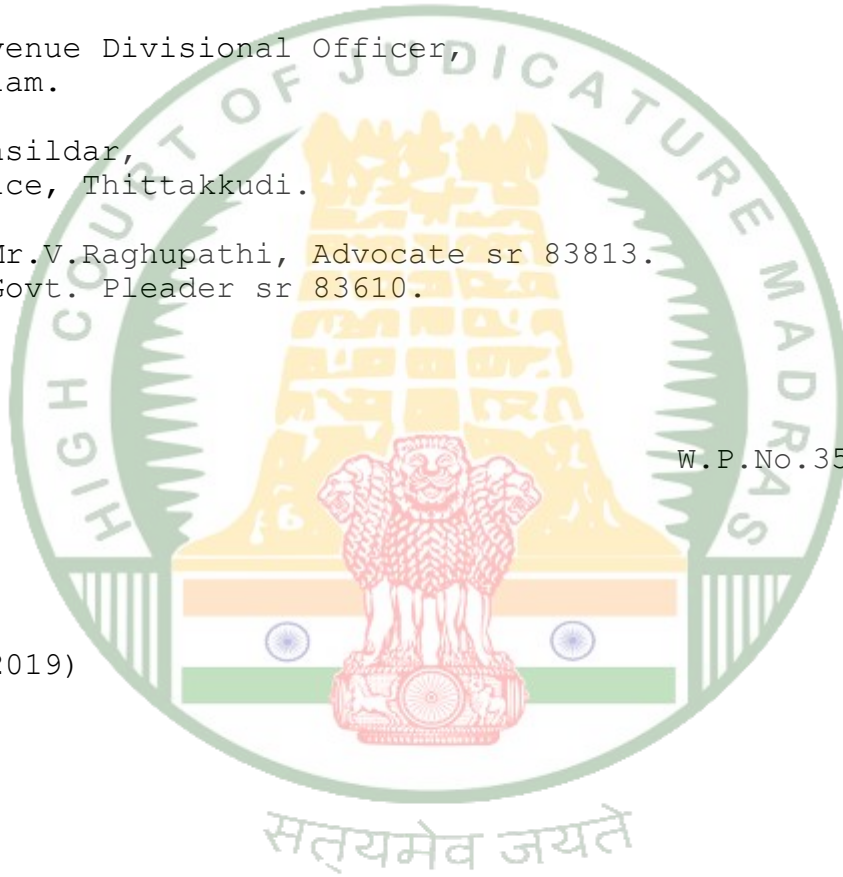
5. The Thasildar,
Taluk Office, Thittakkudi.

+1 CC to Mr.V.Raghupathi, Advocate sr 83813.

+1 CC to Govt. Pleader sr 83610.

W.P.No.35375 of 2013

PP(CO)
SP(21/11/2019)



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