

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.09.2019
CORAM
THE HONOURABLE Mr. JUSTICE M. DHANDAPANI
W.P.No.22114 of 2019
and
W.M.P.No.21380 of 2019

R.Balaji

...Petitioner

vs

The Superintendent of Police,
Q Branch, CID,
Chennai - 600 004. ...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the respondent in C.No.D2/Q/6397/2017, dated 19.12.2017, to quash the same and to direct the respondent to appoint the petitioner on compassionate grounds in any suitable post commensurate with his educational qualifications.

For Petitioner : Mr.P. Manoj Kumar

For Respondent : Mrs.R. Janaki,
Additional Government Pleader

ORDER

This petition has been filed to quash the order of the respondent dated 19.12.2017 and to direct the respondent to appoint the petitioner on compassionate grounds in any suitable post commensurate with his educational qualifications.

2.The case of the petitioner is that the petitioner's father P.Ravindran worked as a Special Sub Inspector of Police, Q Branch, CBCID, Kancheepuram and while he was in service, he died in harness on 17.02.2017, leaving behind his wife, his son, the petitioner herein, and his daughter as his legal heirs. After the death, the petitioner made a request to the respondent for appointment on compassionate grounds. The same was rejected by the respondent on 19.12.2017 on the ground that he was employed in a private Company, namely, TVS Sundaram Fasteners Company, as a Trainee and he will not be eligible for appointment on compassionate grounds relying upon G.O.Ms.No.998, Labour and Employment Department, dated 02.05.1981. Against

which, this Writ Petition has been filed.

3.The learned counsel appearing for the petitioner would submit that in the impugned order, the respondent has relied upon the Government Order in G.O.Ms.No.998, Labour and Employment Department, dated 02.05.1981 and without taking note of the subsequent Government Order issued in G.O.Ms.No.155, Labour and Employment Department, dated 16.07.1993, clarifying the earlier G.O.Ms.No.998, the said impugned order was passed. In the said G.O., the appointment on compassionate ground cannot be rejected to a person working in the Private concern. Without considering the above G.O.Ms.No.155, the Authorities have rejected the application as not applicable.

4.Mrs.R.Janaki, learned Additional Government Pleader appearing for the respondent would submit that after the death of the petitioner's father, their family is not in "indigent circumstances" and further, the petitioner was employed in a Private concern at the time of death and earning much to maintain his family. Hence, the impugned order rejecting the request made by the petitioner under the scheme of appointment on compassionate grounds formulated in the Government Order, is a valid one.

5.A perusal of the impugned order dated 19.12.2017, it is seen that the petitioner's application was rejected only on the ground that the petitioner is working as a Trainee - Production in TVS Sundaram Fasteners Company and therefore, he will not be eligible for appointment on compassionate grounds under G.O.Ms.No.998 dated 02.05.1981. Further, it is seen that the said Government Order was clarified in G.O.Ms.No.155 dated 16.07.1993. The respondent, without considering the subsequent Government Order, rejected the request of the petitioner. There are other grounds available for considering the petitioner's request for compassionate appointment.

6.Without expressing any opinion on merits of the case and considering the request made by the learned counsel for the petitioner, I am inclined to issue direction to the respondent to consider the request for appointment on compassionate grounds afresh on applying the other Schemes and pass orders within a period of eight (8) weeks from the date of receipt of a copy of this order.

With the above directions, this Writ Petition is allowed.
No costs. Consequently, connected Miscellaneous petition is closed.

-s/d-
Assistant Registrar(Insp Cell)

True Copy

Sub-Assistant Registrar

mps

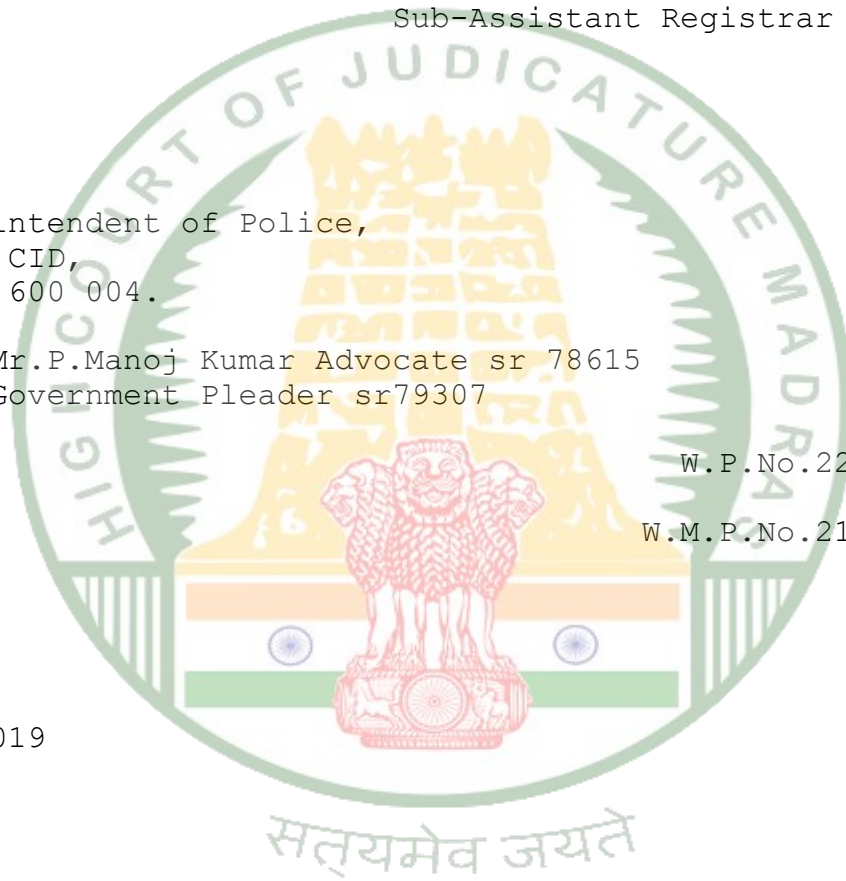
To

The Superintendent of Police,
Q Branch, CID,
Chennai - 600 004.

+1 cc to Mr.P.Manoj Kumar Advocate sr 78615
+1 cc to Government Pleader sr79307

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