

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.27593 of 2019

M.Thivakar

...Petitioner

Versus

1.The Additional Chief Secretary to Government/
Commissioner of Revenue Administration,
Disaster Management & Mitigation,
Chepauk, Chennai-5.

2.The District Collector,
Namakkal District, Namakkal.

3.The District Revenue Officer,
Namakkal District, Namakkal.

4.The Revenue Divisional Officer,
Namakkal.

5.The Tahsildhar,
Namakkal Taluk, Namakkal.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to appoint the petitioner on compassionate ground on the death of his father late Madheswaran, formerly served as Village Assistant of Pachal Village, Namakkal Taluk within a reasonable time, based on the proposal sent by the District Collector in his Na.Ka.No.12950/2018/A3 dated 19.04.2018.

For Petitioner : Mr.K.Venkataraman
Senior Counsel for
Mr.M.Muthappan

For Respondents : Mr.R.S.Selvam
Government Advocate

O R D E R

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.This writ petition has been filed seeking issuance of Mandamus, directing the respondents to appoint the petitioner on compassionate ground on the death of his father late Madheswaran, formerly served as Village Assistant of Pachal Village, Namakkal Taluk within a reasonable time, based on the proposal sent by the District Collector in his Na.Ka.No.12950/2018/A3 dated 19.04.2018.

3.The petitioner's father worked as Village Assistant in Pachal Village and served for several years. While on service, the petitioner's father died on 31.03.2015 leaving behind his wife and two sons. The petitioner's mother made a representation to the 2nd respondent on 30.06.2015 requesting to grant appointment to the petitioner herein, who is the elder son of deceased person. Though, the petitioner was fully qualified and eligible for appointment on compassionate grounds, the application submitted by the petitioner's mother was not considered and the same is still pending. The petitioner has made several representations to the second respondent seeking for appointment. On verification by the petitioner, he came to know that the proposal for appointment of the petitioner on compassionate ground has already been sent from the office of the Tahsildhar, Namakkal in Na.Ka.No.32461/2015/A3 dated 08.12.2016 and the same is pending before the 2nd respondent, viz., The District Collector, Namakkal District, Namakkal. Therefore, the petitioner sent representation to the respondents dated 31.07.2019 for compassionate appointment. Since no orders have been passed, the petitioner has filed the present petition with the aforesaid prayer.

4.Heard both sides.

5.The learned counsel for the petitioner submitted that it would suffice, if a direction is issued to the 2nd respondent to consider the petitioner's application dated 30.06.2015 and subsequent representation dated 31.07.2019, within a stipulated time, as fixed by this Court.

6.Thus, without going into the merits of the case, this Court is inclined to direct the 2nd respondent to consider the application of the petitioner's mother dated 30.06.2015 and subsequent representation of the petitioner dated 31.07.2019 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

7.With the above direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rm

To

- 1.The Additional Chief Secretary to Government/
Commissioner of Revenue Administration,
Disaster Management & Mitigation,
Chepauk, Chennai-5.
- 2.The District Collector,
Namakkal District, Namakkal.
- 3.The District Revenue Officer,
Namakkal District, Namakkal.
- 4.The Revenue Divisional Officer,
Namakkal.
- 5.The Tahsildhar,
Namakkal Taluk, Namakkal.

+1cc to Mr.M.Muthappan, Advocate SR.80648
+1cc to the Government Pleader SR.80753

W.P. No.27593 of 2019

VGII(CO)
CB(05/11/2019)

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