

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P.No.28388 of 2019

J.Jesudoss

... Petitioner

Vs.

1. The Joint Secretary,
Social Welfare and mid-day meals Dept.
Secretariat,
St. George Fort,
Chennai-600009.
2. The Secretary to Government of Tamilnadu
Social Welfare and mid-day meals planning Dept.
Secretariat,
St. George Fort,
Chennai-600009.
3. The Director
Integrated Child Development Service
Pammal Nalla Thambi Street,
Taramani, Chennai-600113.
4. Integrated Child Development Scheme,
Child Development project officer,
Mannargudi.
5. The Commissioner,
Social Welfare Department,
Government of Tamilnadu,
Saidapet, Chennai-600015.
6. The Collector,
Tiruvarur District,
Tiruvarur.
7. The District Planning Officer,
Tiruvarur District,
Tiruvarur.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ, order or direction more specifically in the nature of Writ of Mandamus directing the

Respondent to consider the representation of the Petitioner dated 15.02.2019 and appoint him on compassionate ground for the post of Organizer in Mid-Day Meal Department to the petitioner irrespective of gender.

For Petitioner : Mr.K.Muruganantham
For Respondents : Mr.R.S.Selvam,
Government Advocate.

O R D E R

This Writ Petition has been filed for issuance of Writ of Mandamus directing the Respondents to consider the representation of the Petitioner dated 15.02.2019 and appoint him on compassionate ground for the post of Organizer in Mid-Day Meal Department to the petitioner irrespective of gender.

2. One Mrs. Jayalakshmi, mother of the petitioner herein, while working as Anganvadi worker died in harness on 08.12.2013. According to the petitioner, his father also passed away leaving behind himself and his four sisters. After demise of his mother, the petitioner made an application to the respondents for providing job on compassionate grounds. The said application was entertained and rejected by the third respondent vide proceedings dated 10.12.2015 on the ground that since the petitioner is male by gender, the post which his mother had worked has been designated only to female person and thereby, it cannot be provided to the petitioner. While so, according to the petitioner, the second respondent by proceedings dated 09.09.2016 recommended the petitioner for the employment on compassionate grounds, irrespective of gender. Based on this, the petitioner appeared to have been made representation on 15.02.2019 to the respondents claiming compassionate appointment irrespective of gender. Since no action is forthcoming despite his representation, the petitioner is before this Court.

3. On perusal of the record it reveals that on earlier occasion, when the petitioner made an application seeking for appointment on compassionate grounds by proceedings dated 10.12.2015, the third respondent has rejected the claim of the petitioner on the ground that the post has been designated only to family person.

4. It is pertinent to note that for the best reasons known to the petitioner, he has not challenged the said proceedings. However, he has come forward with the present Writ Petition for direction to the respondents to provide employment on compassionate grounds irrespective of gender. This Court is unable to entertain the claim of the petitioner for the simple

reason that the petitioner has not challenged the earlier rejection order passed by the third respondent. While the said order is in existence no further direction can be given to the respondents. Therefore, the Writ Petition is dismissed. However, the petitioner is at liberty to workout his remedy in the manner known to law. However, this order will not stand in the way if any family members of the deceased employee approaches the authority, claiming compassionate appointment. No Costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Joint Secretary,
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Secretariat, St. George Fort, Chennai-600009.
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Tiruvarur District, Tiruvarur.
7. The District Planning Officer,
Tiruvarur District, Tiruvarur.

+1 cc to The Government Pleader Sr.No. 84568

AKM/03.12.19/3P-9C /

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