

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2019

C O R A M

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

Writ Petition No. 26729 of 2018

M.Venkatesh

... Petitioner

Vs.

1. Government of Tamil Nadu
Rep by its Principal Secretary to Government
Environment and Forest Department
Fort St. George, Chennai - 600 009.
2. The Principal Chief Conservator of Forests
Head of Forest Force
No.1, Genies Road
Panagal Maligai
Saidapet, Chennai - 600 015.
3. The District Forest Officer/Forest Extension Officer
Krishnagiri Forest Extension Division
Krishnagiri, Krishnagiri District. ... Respondents

PRAYER Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to appoint the petitioner as Forest Watcher or any other suitable post in the Forest Department of 3rd respondent division in order to protect his family livelihood forthwith.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : M/s.Thanga Vadhana Balakrishnan
Additional Government Pleader[Forest]

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to appoint the petitioner as Forest Watcher or any other suitable post in the Forest Department of the third respondent division, in order to protect his family livelihood forthwith.

2.The learned counsel for the writ petitioner states that the father of the writ petitioner Sri.K.Mahalingam was appointed as Plot Watcher, during the year 1981 and died on 25.06.2009, while he was in service. On account of the sudden demise of the father of the writ petitioner, the family was in penurious circumstances. Thus, the writ petitioner made an application seeking appointment on compassionate grounds on 05.01.2010.

3.The preliminary objection raised by the learned Additional Government Pleader appearing on behalf of the respondents is that the father of the writ petitioner was not a regular employee and he was working as a daily rated employee. Thus, the claim of the writ petitioner for compassionate appointment is not applicable to the legal heirs of the deceased daily rated employee.

4.This Court is of an opinion that the scheme of compassionate appointment is to followed strictly in accordance with the terms and conditions and the Competent Authority cannot violate the terms and conditions stipulated in the scheme of compassionate appointment. Thus, the writ petitioner is not eligible to avail the benefit of the scheme of compassionate appointment. Therefore, the relief as such sought for by the writ petitioner claiming compassionate appointment cannot be provided to the legal heirs of the daily rated employee.

7.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-IV)

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सत्यमेव जयते

Sub Assistant Registrar

may a

To

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1. The Principal Secretary to Government
Environment and Forest Department
Fort St. George, Chennai - 600 009.

2. The Principal Chief Conservator of Forests
Head of Forest Force
No.1, Genies Road, Panagal Maligai
Saidapet, Chennai - 600 015.

3. The District Forest Officer/Forest Extension Officer
Krishnagiri Forest Extension Division
Krishnagiri, Krishnagiri District.

+1 cc to Mr.M.R.Jothimanian, Advocate, S.R.No.27174

+1 cc to the Special Government Pleader, S.R.No.27684

GJ-II(CO)
SSM(22/04/2019).

W.P. No. 26729 of 2018



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