

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2019

CORAM :

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.29530 of 2018

M.Ramesh

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep.by The Principal Secretary,
Labour and Employment
(OP-2-2) Department, Secretariat,
Chennai-600 009.

2.The Joint Secretary,
Labour and Employment
(OP-2-2) Department,
Secretariat,
Chennai-600 009.

3.The Director General of Police,
Police Department,
Mylapore,
Chennai-600 004.

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to appoint him as Record Clerk in their Department on compassionate grounds by considering his representation dated 17.01.2018.

For Petitioner : Ms.K.Akhilandeswari

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

The petitioner was appointed as Office Assistant in the 1st respondent Department with effect from 10.09.2015. It is submitted that based on the orders issued in G.O.Ms.No.1499

dated 03.08.1989, a person who is appointed to a lower post like Record Clerk, Office Assistant and Sweeper on compassionate grounds but possess the qualification required for the post of Junior Assistant, at the time of initial appointment to a lower post, may be appointed as Junior Assistant. This concession is allowed only to those who have already been appointed to a lower post. The dependants (of the deceased) should satisfy the conditions prescribed for consideration of appointment under compassionate grounds, at the time of their appointment as Junior Assistant. It is the claim of the petitioner that the Government Order applies to the petitioner's case as he satisfies the conditions stipulated for consideration of appointment under compassionate grounds. So stating, the petitioner has sent a representation dated 17.01.2018 to the respondents 1 and 2, seeking for appointment as Record Clerk. Since, there is no response, this writ petition is filed seeking for a direction to the 1st and 2nd respondents.

2. The learned Special Government Pleader representing the respondents would submit that the representation of the petitioner would be considered in the light of G.O.Ms.No.1499 Labour and Employment dated 03.08.1989.

3. Under the circumstances above stated, the respondents 1 and 2 are directed to consider the petitioner's representation dated 17.01.2018 in terms of G.O.Ms.No.1499 Labour and Employment dated 03.08.1989 and pass appropriate orders in accordance with law and on merits, within a period of eight weeks from the date of receipt of a copy of this order.

4. This writ petition is disposed of, accordingly. No costs.

vji/avr

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Secretary,
The Government of Tamil Nadu,
Labour and Employment (OP-2-2) Department,
Secretariat,
Chennai-600 009.

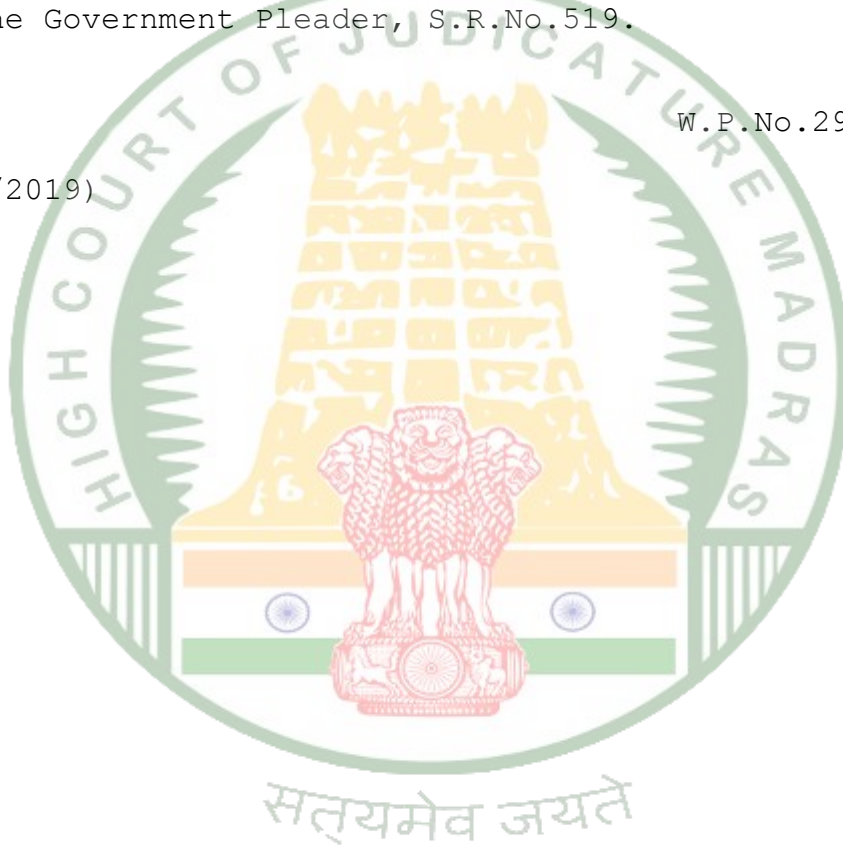
2.The Joint Secretary,
Labour and Employment (OP-2-2) Department,
Secretariat,
Chennai-600 009.

3.The Director General of Police,
Police Department,
Mylapore,
Chennai-600 004.

+1cc to Ms.K.Akhilandeswari, Advocate, S.R.No.125
+1cc to the Government Pleader, S.R.No.519.

W.P.No.29530 of 2018

kak(19/02/2019)



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