

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.29527 of 2018

B.N.Dhilesh

...Petitioner

Vs

1. Government of Tamil Nadu,
Rep. by Additional Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai - 600 009.
 2. The Principal Chief Conservator of Forests
and Head of Forest Department,
Panagal Building,
Chennai - 600 015.
 3. The Conservator of Forests,
Dharmapuri Circle,
Dharmapuri - 636 705.
 4. The District Forest Officer,
Hosur Division,
Hosur, Krishnagiri District - 635 110.
 5. The District Forest Officer,
Harur, Dharmapuri District-636 903.
- ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Mandamus, directing the first respondent to consider the claim of the petitioner for appointment on compassionate grounds as Forester notionally, with retrospective effect from 16.08.2010 the date on which his juniors in regard to the date of application for compassionate appointment vide proceedings Na.Ka.No.AB1/49409/2008 dated 16.08.2010 in the light of the judgment dated 27.01.2014 in WP.No.28670/2011 by this Hon'ble Court and grant him all consequential service and monetary benefits.

For Petitioner : Mr.M.Ravi

For Respondents : Mrs.Thangavadhana Balakrishnan
Addl.Govt.Pleader (Forest)

O R D E R

The relief sought for in the present writ petition is to direct the first respondent to consider the claim of the writ petitioner for appointment on compassionate grounds as Forester, notionally, with retrospective effect from 16.08.2010, the date on which his juniors in regard to the date of which the juniors in this regard to the date of the application for compassionate ground in proceeding dated 16.08.2010.

2. The learned counsel for the writ petitioner states that, the father of the writ petitioner who was employed as Forest Guard died on 24.02.2004. On account of the sudden demise of the father of the writ petitioner, the family was in penurious circumstances. Thus, the writ petitioner submitted an application seeking appointment of compassionate ground. The case of the writ petitioner was considered and he was appointed as Forest Watcher in proceeding dated 19.12.2011. Accordingly, the writ petitioner had joined in service and now continuing in the post of Forest Watcher. While so, the writ petitioner states that, he is eligible for appointment to the post of "Forester" and his case again is to be considered for appointment to the post of Forester.

3. The scheme of compassionate appointment is provided in order to mitigate the circumstances arising on account of the sudden death of a Government employee. Once the benefit of compassionate appointment is extended to the legal heirs of the deceased employee, then no further application can be entertained for the purpose of granting another appointment to the higher post or to any other post. The scheme of compassionate appointment is to be restricted to the extent possible, as the same is in violation of the Article 14 and 16 of the Constitution of India. Equal opportunity in public employment is the Constitutional mandate. All eligible persons, who all are aspiring to secure public employment must be provided with the opportunity to participate in the open competitive process.

4. In the present case on hand, the writ petitioner had already been appointed as Forest Watcher on 19.12.2011. While so, now the writ petitioner cannot file a writ petition for the purpose of securing further appointment to the post of Forester which is a higher post. Even in case of aspiring for a higher post, the writ petitioner has to participate in the selection

process and the scheme of compassionate appointment cannot be extended for the second time, so as to appoint the writ petitioner to the higher post.

5. This being the principles to be followed, the writ petitioner has not established any acceptable legal grounds for the purpose of considering the relief as such sought for in the present writ petition. Accordingly, the writ petition stands dismissed. No Costs.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

Pkn

To

1. The Additional Secretary to Government,
Government of Tamil Nadu,
Environment and Forest Department,
Secretariat, Chennai - 600 009.
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and Head of Forest Department,
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Hosur, Krishnagiri District - 635 110.
5. The District Forest Officer,
Harur, Dharmapuri District-636 903.

+1cc to Mr.M.Ravi, Advocate SR.No.32247

+1cc to Special Government Pleader(Forest) SR.No.32419

W.P.No.29527 of 2018

SR(CO)
GMY(07/05/2019)