

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.04.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.30558 of 2018

R.Praveenkumar

.. Petitioner

..Vs..

1.The District Collector
Salem District, Salem.

2.The Revenue Divisional Officer
Salem District, Salem.

3.The Tahsildar
Yercaud Taluk,
Yercaud, Salem District.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, Directing the respondents to consider the claim of the petitioner with regard to his appointment on compassionate grounds in a suitable Group "C" or "D" post commensurate with his educational qualification consequent on the death of his father, Thiru.M.Rajasekar on 07.01.2016 while in service as Village Assistant, Aranmanikadu Village, Puthurtharappu, Yercaud Taluk, Salem District and pass order within a limited time, frame on merits and in accordance with law in the light of Letter Na.Ka.No.14091/2016/A5 dated 14.06.2016 of the first respondent.

For Petitioner : Mr.M.Ravi

For RR1 to 3

: Mr.R.S.Selvam,

Government Advocate

Special Government Pleader

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O R D E R

The relief as such sought for in the present writ petition is for a direction to direct the respondents to consider the claim of the writ petitioner for appointment on compassionate grounds in suitable post.

2.The father of the writ petitioner Thiru.M.Rajasekar was employed as Village Assistant, Aranmanikadu Village, Yercaud Taluk, Salem District and he died on 07.01.2016, while he was in service. On account of the sudden death of the father of the writ petitioner, the family was in penurious circumstances.

3.The learned counsel for the writ petitioner states that the petitioner submitted an application seeking an appointment on compassionate grounds on 30.05.2016. The first respondent also forwarded the case of the writ petitioner to the second respondent in proceedings dated 14.06.2016. However, no decision is taken in respect of the claim made by the writ petitioner to appoint him on compassionate grounds.

4.This Court of the considered opinion that the scheme of compassionate appointment is to mitigate the circumstances arisen on account of sudden death of the Government Employee. Undoubtedly, the scheme is to be implemented with reference to the deserving cases. In order to provide appointment on compassionate grounds, the competent authorities bound to verify the details of source of income of the family and other criteria.

5.In the event of fulfilling all the terms and conditions of the scheme of compassionate appointment, the case of the writ petitioner is to be considered with reference to the seniority of the persons who all are waiting to secure appointment on compassionate grounds. At the outset, the terms and conditions stipulated in the scheme of compassionate appointment is to be followed strictly by the competent authorities for providing appointment.

6.This being the principles to be followed, the case of the writ petitioner is also to be considered along with all other eligible candidates and by following the terms and conditions as applicable to the scheme of compassionate appointment.

7. Accordingly, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

smv/pns

To

- 1.The District Collector
Salem District, Salem.
- 2.The Revenue Divisional Officer
Salem District, Salem.
- 3.The Tahsildar
Yercaud Taluk,
Yercaud, Salem District.

+1cc to Mr.M.ravi , Advocate SR.No.35850
+1 cc to Government Pleader Sr.No.35810

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A.SK(20/05/2019)



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