

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.04.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.32492 of 2018
and
W.M.P.No.37703 of 2018

V.V.Vinoth Kumar

.. Petitioner

..Vs..

1.The District Collector,
Nagapattinam,
Nagapattinam District.

2.The Thasildar,
Mayiladuthurai Taluk Office,
Mayiladuthurai,
Nagapattinam District - 609 001.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records which culminated in passing the order bearing reference Na.Ka.6090/2018/A3 dated 13.06.2018 of the 1st respondent and quash the same and consequently, directing the respondents to consider the petitioner for compassionate appointment based on the qualification.

For Petitioner : Mr.P.Ganesan

For Respondent : Mr.R.S.Selvam
Government Advocate

सत्यमेव जयते
O R D E R

The order of rejection dated 13.06.2018, rejecting the claim of the writ petitioner for compassionate appointment is under challenge in the present writ petition.

2. The learned counsel for the writ petitioner states that there is an error in recording the date of birth of the writ petitioner and therefore, on the date of his death, he was to be considered, as if, he was in service.

3. On account of the erroneous entry made in the service records, the claim of the writ petitioner seeking appointment on compassionate grounds was rejected.

4. The counter filed by the second respondent states that the father of the writ petitioner Thiru.V.Veeramani, was initially appointed as part time Village Assistant and subsequently observed into regular time scale of pay as per the Government Order issued in G.O.Ms.No.625, Revenue Department, dated 06.07.1995. Accordingly, service register was opened and while opening the service register the date of birth of father of the writ petitioner was recorded as 01.07.1955, on the basis of the declaration made by him. Thus, Thiru V.Veeramani, was worked as Village Assistant and retired from service on attaining age of 60 years (superannuation) on 30.06.2015.

5. It is further stated that the Pension proposals were submitted by the Competent Authorities and the proposal was admitted by the Accountant General, by recording that the father of the writ petitioner died on 16.12.2015 i.e., after his retirement.

6. Thus, the order of rejection passed by the Respondent is in consonance with the terms and conditions stipulated in the scheme of compassionate appointment. When it is established that, on the date of death of the deceased employee, he was not in service and he was allowed to retire from service on 31.05.2015, prior to the death of the deceased employee. Thus, the writ petitioner is not entitled to claim the scheme of compassionate appointment and there is no infirmity as such.

7. Accordingly, the writ petition is devoid of merits and stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Pns

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To

1.The District Collector,
Nagapattinam,
Nagapattinam District.

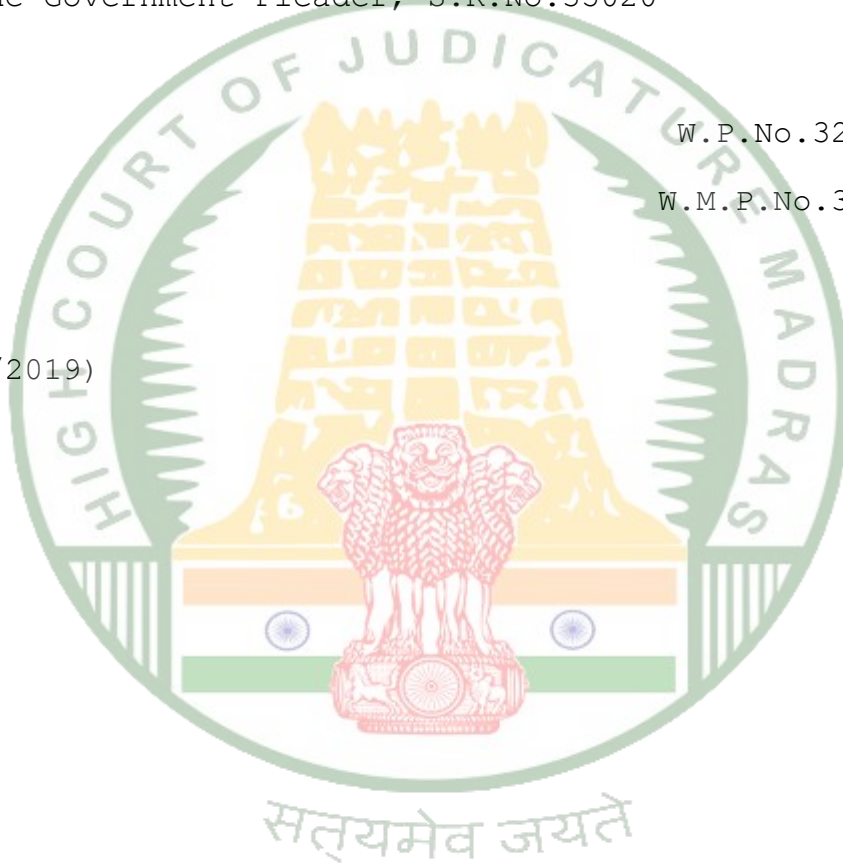
2.The Thasildar,
Mayiladuthurai Taluk Office,
Mayiladuthurai,
Nagapattinam District - 609 001.

+lcc to Mr.P.Ganesan, Advocate, S.R.No.35719
+lcc to the Government Pleader, S.R.No.35020

W.P.No.32492 of 2018
and
W.M.P.No.37703 of 201

KS (CO)

vkrr (20/05/2019)



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