



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2019

CORAM:

**THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE S.S.SUNDAR**

W.A(MD)NO.222 OF 2019
and
C.M.P(MD)No.1825 of 2019

The Commissioner and Director of Animal Husbandry
and Veterinary Services,
Block-II, D.M.S.Complex,
Chennai - 600 006. : Appellant/Respondent

.vs.

R.Anbalagan : Respondent/Writ Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.8363 of 2010, dated 21.11.2017.

Prayer in WP(MD)No.8363 of 2010 :

Writ Petition filed under Article 226 of the Constitution of India, to issue a WRIT OF CERTIORARI FID MANDAMUS to call for the records pertaining to the impugned order of the Respondent passed in Na.Ka.No.82431/L4/2008-2, dated 05.12.2008 and to quash the same and consequently directing the Respondent to consider the Petitioner for employment on compassionate ground and to appoint the Petitioner as Livestock Inspector.

For Appellant : Mr.A.K.Baskarapandian,
Special Govt.Pleader
For Respondent : Mr.C.Jegannathan
for M/s.Veera Associates

JUDGMENT

[Judgment of the Court was made by S.S.SUNDAR,J.]

This Writ Appeal has been filed against the order of the learned Single Judge allowing the Writ Petition filed by the Respondent/Writ Petitioner, whereby the order rejecting the appellant's claim for compassionate appointment has been quashed.



2.The facts are as follows:

The respondent/Writ Petitioner belongs to Scheduled Caste community. The respondent's father Late.N.Rengasamy died while he was in service as Live-Stock Assistant in the appellant's Department, on 4.6.1990. The respondent's mother made a request for compassionate appointment in the year 1991. The request of the respondent's mother was considered and appointment order was issued in 1996. However, due to physical disabilities and other reasons, the respondent's mother could not accept the appointment and a request was made to the appellant to cancel the said appointment order and to give appointment to the respondent. However, the application that was submitted by the respondent's mother, subsequent reminders and the separate application submitted by the respondent, were kept pending for so many years under the pretext of favourably considering the said application on merits. By the order impugned in the Writ Petition, the request of the respondent was negatived on the ground that the application was not filed within a period of three years from the date of death of respondent's father. The order of the learned Single Judge in allowing the Writ Petition is proper and we find no reason to interfere with the order passed by the learned Single Judge.

3.Compassionate appointment is governed by rules. In the peculiar circumstances of this case where the decision taken by the appellant to provide appointment on compassionate grounds to the respondent's mother, could not be accepted for valid reasons and the request of respondent's mother who wanted such appointment to be made in favour of the respondent, was pending all these years with a promise that the respondent would be accommodated as and when vacancy arises. However, after keeping the application for a long period and his name being empaneled for so many years, rejecting the said application on the sole ground that the application was not filed within three years from the date of death of his father, cannot be accepted and thus the Writ Appeal fails.

4.Accordingly, the Writ Appeal stands dismissed and the appellant is directed to provide suitable employment to the respondent on compassionate grounds, within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is dismissed.

5.Post the matter before this Court **''for reporting compliance''** after three weeks.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar



To

The Commissioner and Director of Animal Husbandry
and Veterinary Services,
Block-II, D.M.S.Complex,
Chennai - 600 006.

+1 CC to M/s.SPL GP (SR-54627[F] dated 18/03/2019)

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-54674[F] dated
18/03/2019)

VSN

TE : 25/03/2019 : 3P/4C

JUDGMENT MADE IN
W.A(MD)NO.222 OF 2019 and
C.M.P(MD)No.1825 of 2019
15.03.2019