



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.15656 of 2014

and

M.P. (MD) .No.1 of 2014

K.Pitchaiyandi

... Petitioner

Vs.

1.The Joint Director of Agriculture,
Tirunelveli, Tirunelveli District.

2.The Block Agricultural Extension Officer,
Cheranmadevi, Tirunelveli District.

3.The Executive Engineer
(Agricultural Engineering)
Tirunelveli, Tirunelveli District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to appoint and absorb the petitioner as Driver on regular vacancy within the respondents' jurisdiction offices by considering his representation dated 28.02.2014, within the period stipulated by this Court.

For Petitioner : Mr.N.Sathish Babu
For R1 to R3 : Mr.S.Dayalan
Government Advocate

ORDER

The relief sought for in the present petition is for a direction to direct the respondents to appoint and absorb the petitioner as Driver on regular vacancy.

2.Admitted facts placed before this Court are that the writ petitioner was appointed as Office Assistant on compassionate ground, during the year 2008 on account of sudden demise of his father.

3.The learned counsel for the petitioner states that the petitioner is possessing a valid driving license for Light Motor Vehicle(LMV) and therefore, he must be absorbed as a Driver on compassionate ground.

4.Such a claim of seeking appointment to the post of Driver on compassionate ground on second occasion is undoubtedly



impermissible in accordance with the terms and conditions. Even for regular absorption, the writ petitioner cannot seek any such prayer. As the regular absorption, promotion or appointment to the post of Drivers are to be made in accordance with the rules in force. Merely because the writ petitioner was appointed as Office Assistant on compassionate ground, he cannot seek absorption to the post of Driver in the office of the respondents. In respect of the post of the Driver, the writ petitioner has to participate in the process of selection and only if he is selected then alone, the case of the writ petitioner can be considered for appointment and not otherwise.

5. Admittedly, the writ petitioner was appointed as Office Assistant on compassionate ground and further absorption to any other post cannot be done and all such further appointment, promotion or absorption are to be done strictly in accordance with the rules in force. The writ petitioner is at liberty to participate in the recruitment process, if any notified by the competent authority for appointment to the post of Driver.

5. With these observations, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Joint Director of Agriculture,
Tirunelveli, Tirunelveli District.
2. The Block Agricultural Extension Officer,
Cheranmadevi, Tirunelveli District.
3. The Executive Engineer
(Agricultural Engineering)
Tirunelveli, Tirunelveli District.

+1CC to SPL.G.P. SR.No.77172.

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