



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.1366 of 2016

P.Krishnasamy

... Petitioner

Vs.

1.The Secretary to Government,
Tamil Nadu Labour and Employment (G1) Department,
Fort St. George,
Chennai - 600 009.

2.The District Collector,
Dindigul District,
Dindigul.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the second respondent's impugned order in OO.Mu.No.21294/2015/aa3, dated 11.08.2015, quash the same as illegal and consequently, direct the second respondent to appoint the petitioner on compassionate ground.

For Petitioner : Mr.K.Chengizkhan

For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking to quash the impugned order of the second respondent in OO.Mu.No.21294/2015/aa3, dated 11.08.2015, and consequently, direct the second respondent to appoint the petitioner on compassionate ground.

2.According to the petitioner, his father viz., K.Palanisamy was working as a Village Assistant in the Revenue Department, in Ayakudi Village, Palani Taluk. While he was in service, he died in harness on 16.08.2013, leaving behind the petitioner's mother viz., Kolanthayee and the petitioner, as his legal heirs. Immediately, the petitioner made an application to the second respondent on 05.10.2013, seeking employment assistance under compassionate ground. But, the said application was rejected by the second respondent, vide his proceedings dated 15.10.2013, on the ground that the petitioner crossed the upper age limit of 35 years. Subsequently, once again, the petitioner made a representation to the second respondent seeking employment assistance under compassionate ground and the same was also rejected by the second



respondent vide his proceedings dated 11.08.2015, referring G.O.(Ms) No.9, Labour and Employment Department, dated 19.01.1998, for the very same reason. Hence, the petitioner has approached this Court by way of filing the present Writ Petition.

3. On a perusal of the records, it is seen that initially, the petitioner's application dated 05.10.2013, for appointment under compassionate was rejected by the second respondent on 15.10.2013 on the ground that the petitioner crossed the upper age limit and thereafter, the petitioner's application dated 24.07.2015, was also rejected by the second respondent, referring G.O.(Ms)No.9, Labour and Employment Department, dated 19.01.1998, for the very same reason. Therefore, the present Writ Petition filed by the petitioner is not maintainable and the same is liable to be dismissed. Accordingly, this Writ Petition is dismissed. No costs. It is for the petitioner to work out his remedy from the Government, if he so desires.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Secretary to Government,
Tamil Nadu Labour and Employment (G1) Department,
Fort St. George,
Chennai - 600 009.

2. The District Collector,
Dindigul District,
Dindigul.

+1 CC to M/s.SPL GP (SR-78516[F] dated 30/07/2019)

W.P. (MD)No.1366 of 2016
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KK/SAR/13.08.2019/2P-4C/