



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2020

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.7753 of 2020
(Through Video conferencing)

R.Suresh

...Petitioner

-Vs-

1.The Joint Director,
O/o.Joint Director of Fisheries (Regional),
Integrated Fisheries Administrative Building,
Nagapattinam (Zone), Collectorate Campus,
Nagapattinam - 611 003.

2.The Assistant Director,
O/o.Asst. Director of Fisheries (South),
Integrated Fisheries office Building,
District Collectorate, Nagapattinam - 611 003.

3.R.Selvamani

4.R.Geetha

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 1st and 2nd respondents to consider his representation dated 26.06.2020 for compassionate appointment without insisting "No Objection Certificate" from 3rd and 4th respondents as they are ineligible.

For Petitioner : Mr.C.Masilamani

For Respondents : Mr.S.Dhayalan, G.A., for RR1 & R2

ORDER

The prayer sought for herein is for a writ of Mandamus, directing the 1st and 2nd respondents to consider his representation dated 26.06.2020 for compassionate appointment without insisting "No Objection Certificate" from 3rd and 4th respondents as they are ineligible.



2.Heard Mr.C.Masilamani, learned counsel appearing for the petitioner and Mr.S.Dhayalan, learned Government Advocate appearing for the respondents 1 and 2. Since no adverse order is going to be passed as against the respondents 3 and 4, notice to them is dispensed with.

3.The petitioner's father, who was working at the respondent department died during service in the year 2005 leaving behind the petitioner and other legal heirs. It seems that, at the time of the death of his father, the petitioner was minor, subsequently, after he became major, he seems to have made request to the respondent department for consideration of his candidature for the appointment on compassionate ground. In this regard, some communications had been issued by the respondents 1 and 2 to the petitioner stating that the deceased government servant is having two wives and therefore, no objection certificate has to be obtained from the first wife and her legal heirs.

4.When the matter stood thus, the petitioner has given a fresh representation on 26.06.2020 in detail to the respondents 1 and 2 seeking compassionate appointment. Therefore, the learned counsel appearing for the petitioner submits that, the said representation of the petitioner dated 26.06.2020, if it is directed to be considered on merits and in accordance with law for the appointment of the petitioner on compassionate ground within a time frame to be stipulated by this Court, the petitioner would be satisfied.

5.The learned Government Advocate appearing for the respondents 1 and 2 would submit that the said representation of the petitioner dated 26.06.2020 would be considered on merits and in accordance with law and an order to that effect would be passed within a time frame to be stipulated by this Court.

6.Considering the scope of the writ petition and after taking into account the submissions made by both sides, this Court is inclined to pass the following order:

"The respondents 1 and 2 are hereby directed to consider the representation of the petitioner dated 26.06.2020 and pass orders thereon, on merits and in accordance with law, after affording an opportunity of being heard to both the petitioner and respondents 3 and 4, within a period of six weeks from the date of receipt of a copy of this order."



7. With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

Arul

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Joint Director,
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Nagapattinam - 611 003.
2. The Assistant Director,
O/o. Asst. Director of Fisheries (South),
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Kv(18.08.2020) 3P 3C