



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.18584 of 2020

and

W.M.P(MD) No.15542 of 2020

WEB COPY

R.Amuthavalli

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Revenue Department,
Secretariat,
Chennai-09.

2. The District Collector,
Pudukottai District,
Collectorate, Pudukottai.

3. The Tahsildar,
Taluk Office,
Illuppur Post & Taluk,
Pudukottai District.

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the respondents to provide employment to the petitioner's son Mr.Yuvarajkumar on compassionate grounds based on the Educational Qualification.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.B.Bhagavathy
Government Advocate

O R D E R

This writ petition has been filed to direct the respondents to provide employment to the petitioner's son Mr.Yuvarajkumar on compassionate grounds, based on his Educational Qualification.

2.The learned counsel appearing for the petitioner would submit that the petitioner's husband namely, Mr.T.Rajasekaran passed away on 16.04.2008, when he was working as Special Grade Village Administrative Officer in Revenue Department. Immediately after the demise of the petitioner's husband, the petitioner made an application along with relevant documents to provide employment on compassionate grounds to her son namely, Mr.Satheeshkumar in the



month of July 2008. After receipt of her application, the second respondent directed the Revenue Divisional Officer, Pudukottai to forward the petitioner's application as early as possible vide proceedings dated 15.07.2020. Thereafter, due to Kidney failure, the petitioner's son Mr.Satheeshkumar expired on 12.10.2013. Therefore, the petitioner requested the respondents to provide employment to her younger son Mr.Yuvarajkumar. The third respondent by his proceedings dated 26.09.2014, directed the petitioner to produce all relevant records in person. As per the directions, the petitioner has submitted all the documents, as required by the third respondent. He would further submit that inspite of production of all the documents, they have not provided any employment to the petitioner's son. In this regard, the petitioner has also made several representations on 25.06.2013, 21.04.2014, 16.07.2014 and 12.03.2019. It is further submitted that if the request of the petitioner for providing employment is considered, it will be helpful for her to meet out the financial requirements and for further survival. Hence, the present writ petition has been filed to provide employment to her son under the compassionate appointment.

3.The learned Government Advocate appearing for the respondents would submit that the petitioner's representations are under consideration and the second respondent made a recommendation on 31.03.2020 to the first respondent. Now, the first respondent has to take a decision and to provide appointment to the petitioner's son. They have taken all the steps from time to time and now reached the stage of final and appropriate recommendation also made by the second respondent to the first respondent. Therefore, at any point of time, the order will be passed by the first respondent providing employment to the petitioner.

4.In view of the above submission, it appears that the petitioner's husband passed away on 16.04.2008 and the petitioner has made necessary application for appointment under the compassionate ground in the year 2008 itself. Since there is delay in process of collecting the documents and other administrative reasons, for the past 12 years, the respondents have not taken any decision with regard to the provision of the employment. Though the respondents submitted that the second respondent forwarded his recommendation to the first respondent on 31.03.2020 recommending the name of the petitioner's son for provision of appointment under the compassionate ground, this Court is not happy with the same. The way in which the process of application of the petitioner is pending for the period of 12 years and they are supposed to have completed all the formalities at least within the period of two year from the date of the receipt of application. However, this has taken 12 years.



5. In the light of the above observations, this Court directs first respondent to take appropriate action on the recommendation of the second respondent, dated 31.03.2020 within a period of 30 days from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

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/ /2021

Sub Assistant Registrar(CS)

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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 Secretary to Government,
State of Tamil Nadu,
Revenue Department,
Secretariat, Chennai-09.
2. The District Collector,
Pudukottai District,
Collectorate, Pudukottai.
3. The Tahsildar,
Taluk Office,
Illuppur Post & Taluk,
Pudukottai District.

+1cc to Mr.M.Saravana Kumar, Advocate, SR.No.25789.

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