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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

W.P.No.16719 of 2015
and
M.P.No.1 of 2015
and
W.M.P.No.6025 of 2021

A.Santhamoorthy

...Petitioner

-Vs-

1. The Director,
Department of Employment
and Training,
Guindy, Chennai 600 032.
2. The Deputy Director,
Ex-Serviceman's Welfare Office,
Krishnagiri District,
Krishnagiri 635 001.
3. The District Employment Officer,
Krishnagiri District,
Krishnagiri.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records in Na.Ka.No.1168/2015-A4 dated 30.03.2015 on the file of the second respondent herein and quash the same as illegal and direct the second respondent to consider the name of the petitioner under G.O.Ms.No.1218 (Ex-Serviceman) dated 03.09.1999 for suitable compassionate appointment/Job to the petitioner.

For Petitioner : Mr.N.Vignesh

For Respondents : Mr.E.Veda Bhagathsingh,
Special Government Pleader



ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

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2. By placing reliance on Tamil Nadu Government Order in G.O.Ms.No.1218, Public (Ex-Servicemen) Department, dated 03.09.1999, the petitioner herein, who is a son of Ex-Serviceman, claims compassionate appointment.

3. The aforesaid Government Order facilitates appointment on compassionate ground to a son, among other dependants, whose father was either killed or disabled "in action" while serving the armed forces. The term "in action" implicated in the aforesaid Government Order would indicate that the disability should have been caused owing to an injury to the Ex-Serviceman suffered during the course of war or otherwise fighting or defending the country against its enemies during his service under the defence forces.

4. Admittedly, the petitioner herein had suffered from a disability of Ankylosing Spondylitis effecting both Sacro-cubac joints and Barso Lateral Spine, while he was in service and that, this disability did not occur when the petitioner's father was "in action" during his service in the armed forces. Rather, the disability was in the regular course, while he was in service. The Government Order does not intend to extend compassionate appointment to the dependants of such an Ex-Serviceman. As such, the very basis of the claim made by the petitioner seeking for compassionate appointment, cannot be sustained.

5. In the result, I do not find any merits in the present writ petition. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ata/hvk

To

1. The Director,
Department of Employment and Training,
Guindy, Chennai 600 032.



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2. The Deputy Director,
Ex-Serviceman's Welfare Office,
Krishnagiri District,
Krishnagiri 635 001.

3. The District Employment Officer,
Krishnagiri District,
Krishnagiri.

+lcc to M/s.B.Nedunchezhiyan, Advocate, S.R.No.66321

+lcc to the Government Pleader, S.R.No.66622

W.P.No.16719 of 2015

SJ[co]
NSK 28/12/2021