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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2021

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.28157 of 2008

Aravindan

...Petitioner

Vs

District Collector,
Namakkal District,
Namakkal.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the Respondent in his proceedings Na.Ka.No.30975/2008/A3 dated 14.8.2008 and quash the same and direct the Respondent to consider the petitioner for appointment in any post on compassionate ground.

For Petitioner : Mr.P.Ganesan

For Respondent : Mr.C.Selvaraj

Government Advocate

O R D E R

Heard Mr.P.Ganesan, learned counsel for the petitioner and Mr.C.Selvaraj, learned Government Advocate for the respondent.

2.The petitioner has challenged order dated 14.08.2008 rejecting his application of even date seeking compassionate appointment in place of his father, who had been employed as a Village Assistant in Vettikadu Uthiradikaval Village, having putting 20 years of service, who passed away on 17.01.1994. The application has been filed only in 2008, since at the time of his father's demise, the petitioner was a minor.

3.The application has come to be dismissed on the ground, as revealed in the counter, that the petitioner's father was not a permanent Village Assistant at the time of his demise on



17.01.1994 and any compassionate appointment would only have to be made in accordance with the G.O.Ms.No.521 Revenue Department, dated 17.06.1998 in terms of which rules had been framed for the posts of Village Assistants.

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4.The State also relies on G.O.Ms.No.362 Revenue (7-2) Department dated 07.07.1999, which states that appointments on compassionate ground should be considered only in respect of those Village Assistants, whose services had been regularized as on 01.06.1995. Since the services of the petitioner's father had not been regularized at the time of his demise, it is the contention of the State that the rejection of the petitioner's claim is in order.

5.Learned counsel for the petitioner has no instructions in regard to whether the petitioner has been employed elsewhere pending writ petition and he would concede to the position that it is inconceivable that the petitioner is still unemployed and staking his claim as raised in the writ petition, even after 13 long years. Thus, leaving the issue on merits open to be argued in a more appropriate matter, this writ petition is closed. No costs.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

vs

To

The District Collector,
Namakkal District,
Namakkal.

+1cc to the Government Pleader, S.R.No.43694

W.P.No.28157 of 2008

KSM(CO)

RGA (24/09/2021)