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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Writ Petition No.25195 of 2013

B.Veeraraghavalu

... Petitioner

..VS..

1. The Commissioner,
Corporation of Chennai
Ripon Buildings
Chennai - 600 002.
2. The Deputy Commissioner (Admn),
Corporation of Chennai
Chennai - 600 002.
3. The Zonal Officer,
Zonal Office - 5
Corporation of Chennai,
No.61, Basin Bridge Road,
Chennai - 600 021.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned Order passed vide Z.O.5/Na.Ka.No./C2/6115/2012 dated 22.11.2012 issued by the Zonal Officer, Zonal Office - 5, Corporation of Chennai, No.61, Basin Bridge Road, Chennai - 600 021 the Third Respondent herein and to quash the same and to direct the respondents 1 to 3 to consider and appoint the Petitioner in any suitable post on Compassionate grounds.

For Petitioner : M/s S.S.Jothivani

For R1 to R3 : Mrs.Karthika Ashok

ORDER

The relief sought in this writ petition is to issue a writ of Certiorarified Mandamus calling for the records pertaining to the Order passed in Z.O.5/Na.Ka.No./C2/6115/2012 dated 22.11.2012 issued by the third respondent and quash the same and further direct the respondents 1 to 3 to consider and appoint the Petitioner in any suitable post on Compassionate grounds.



2.The case of the petitioner is that his mother by name B.Ragavamma was employed as temporary/casual Sanitary worker from 18.01.1989 and she died on 27.06.1996, while she was in service, leaving behind her husband and two sons and the petitioner is her eldest son. Seeking compassionate appointment, the petitioner made several applications, first of which is dated 11.02.1997, to the respondents. However, by communication dated 22.11.2012, the claim of the petitioner was rejected by the third respondent stating that the appointment on compassionate grounds shall be offered only to the legal heirs of the deceased permanent employees, whereas the mother of the petitioner was working as a temporary/casual sanitary worker. Feeling Aggrieved, the petitioner is before this Court with the present writ petition for the aforesaid relief.

3.Heard both sides and perused the materials placed before this Court.

4.It is an admitted fact that the petitioner's mother was employed in the Chennai Corporation as a Temporary / Casual Sanitary Worker and she died on 27.06.1996, while she was in service. Though the petitioner made application seeking compassionate appointment on 11.02.1997, i.e., well within the limitation period of three years, the same was rejected by the third respondent on the ground that her mother was not in permanent employment.

5.This Court finds no infirmity or illegality in the order so passed by the third respondent, in view of G.O.(Ms) No.18, Labour and Employment (Q1) Department, Dated 23.01.2020, which supersedes all the earlier orders issued from 1972 onwards, wherein, it is specifically mentioned that the legal heirs of the persons, who are under temporary appointments, are not eligible for consideration under compassionate ground appointment.

6.Further, the issue involved herein came up for consideration in WP.(MD)No.7016 of 2011 by way of reference to the Full Bench of this Court, which answered the same by order dated 11.03.2020, paragraph 32(a) of which is profitably extracted hereunder:

"Appointment on compassionate basis has to be strictly followed in accordance with the relevant G.O.'s or the Scheme that has been framed by the employer. Any deviation from the Scheme is not permissible."

7.Therefore, in the light of the recent G.O.(Ms).No.18, Labour and Employment (Q1) Department, dated 23.01.2020 as well as the decision of the Full Bench of this Court in WP.(MD). NO.7016 of 2011 dated 11.03.2020, the impugned order passed by



the third respondent does not call for any interference by this Court.

8. Accordingly, this writ petition stands dismissed. No costs.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rk

To

1. The Commissioner, Corporation of Chennai
Ripon Buildings, Chennai - 600 002.
2. The Deputy Commissioner (Admn),
Corporation of Chennai
Chennai - 600 002.
3. The Zonal Officer,
Zonal Office - 5, Corporation of Chennai,
No.61, Basin Bridge Road,
Chennai - 600 021.

+1cc to M/s S.S.Jothivani , Advocate, S.R.No.19791

+1cc to Mrs.Karthika Ashok, Advocate, S.R.No.20097

W.P.No.25195 of 2013

GPL(CO)
HS(14/07/2021)