

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

W.P.No.7555 of 2021
and WMP.Nos.8077 & 8079 of 2021

P. Anandaraj

...Petitioner

...Vs...

The District Forest Officer
Erode Division
Erode 638 004.

...Respondent

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus after calling for the records relating to the order in Na.Ka.No.414/2016 B2 dated 02.05.2016 and quash the same and direct the respondent to give appointment under compassionate grounds to the petitioner in the office of the respondent.

For Petitioner : Mr.N.M.Kathir
for Mr.K.Shyam Sunder

For Respondent : Mr.S.Prabhu
Additional Government Pleader

ORDER

This writ petition has been filed, seeking to call for the records relating to the order in Na.Ka.No.414/2016 B2 dated 02.05.2016 and quash the same and direct the respondent to give appointment under compassionate grounds to the petitioner in the office of the respondent.

2. Mr.S.Prabhu, learned Additional Government Pleader takes notice for respondent. By consent of both sides, final orders are passed in the writ petition at the admission stage itself.

3. The petitioner has come forward with the present prayer seeking for compassionate appointment on the death of his father on 06.03.2010. The petitioner's application dated 08.03.2016 seeking for compassionate appointment was rejected on the ground that the application has not been filed within three years. According to the petitioner he has approached the Thasildar, who

has given certificate with regard to the indigenous circumstance of the petitioner on 28.06.2012 and that the case of the petitioner is to be considered.

4. Mr.Prabhu, learned Additional Government Pleader stated that though an undated application was stated to be submitted by the petitioner within 3 years of the death of the deceased, there is no proof produced as to the despatch of the application as there is no such application found in the file of the respondent. This Court has already held that if a person seeking any relief to redress the grievance on any issues, much less compassionate appointment, regularisation, restoration of seniority etc., the letter for such requisition should be sent either by speed post or registered post with acknowledgment due.

5. In this case, the petitioner is not in a position to adduce any document or acknowledgement in proof of delivery of the application. Since the respondent has not received the application and also not referred to the same in the impugned order, no direction can be issued to the respondent to consider the case of the petitioner. Though the respondent has not disputed the receipt of application dated 08.03.2016 the same was submitted beyond the period stipulated.

4. Hence, finding no merit in this writ petition the same is dismissed accordingly. No costs. Consequently connected miscellaneous petitions are also closed.

s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

dpq

To

The District Forest Officer
Erode Division
Erode 638 004.

+1 CC to The Special Government Pleader(Forest) sr 19229, 20397
+1 CC to Mr.K. Shyam Sundar, Advocate sr 19300.

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GMR(CO)
SP(24/06/2021)