

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.34910 of 2015

R.Arunagiri

... Petitioner

Vs.

1.The State Rep by
Secretary to Government,
Social Welfare Department,
Secretariat,
Chennai - 9.

2.The District Collector,
Vellore District.

3.The Personal Assistant to the District Collector,
(Noon Meals),
Collectorate Buildings,
Vellore.

4.The Block Development Officer,
Arcot Block,
Vellore District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 12.08.2015 regarding to give appointment under compassionate ground for the post of noon meal organizer or any other suitable job, subsequent death of petitioner's father namely Ramalingam while he was in service.

For Petitioner : Mr.P.Murali

For Respondents: Mr.S.Thangavel for R1 to R3
Special Government Pleader
Mr.S.Gunasekaran for R4

O R D E R

The petitioner has filed this writ petition seeking direction to the respondents to dispose of his representation dated 12.08.2015 seeking appointment on compassionate grounds.

2.The learned counsel appearing for the petitioner submitted that the petitioner's father worked as Noon Meal Organizer in a Government Primary School and died on 21.08.2000 while he was in service. The petitioner made representations dated 13.11.2000 to the second respondent and dated 20.11.2000 to the fourth respondent seeking appointment on compassionate grounds. Even thereafter he made representations to the respondents and since there was no response, filed W.P.No.33953 of 2014 and pursuant to the order of this Court dated 19.12.2014 made in the said writ petition, the second respondent vide order dated 27.02.2015 rejected the claim of the petitioner. Hence, the petitioner has made another representation dated 12.08.2015 to the respondents seeking appointment on compassionate grounds.

3.The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the petitioner has made representation seeking appointment on compassionate grounds belatedly and hence, his claim was rejected.

4.Admittedly, the petitioner has made representation seeking appointment on compassionate grounds to the respondents during the year 2000 itself, which is well within the limitation period. However, the said representation was kept pending by the respondent and only pursuant to the order of this Court dated 19.12.2014 made in W.P.No.33953 of 2014 filed by the petitioner, the second respondent vide order dated 27.02.2015 rejected the claim of the petitioner. Thereafter, the petitioner has made another representation dated 12.08.2015 to the respondents and since the same has not yet been considered, has filed this writ petition.

5.Considering the facts and circumstances of the case, this Court instead of issuing direction to the respondents to dispose of the petitioner's representation dated 12.08.2015, is inclined to set aside the order dated 27.02.2015 passed by the second respondent. Accordingly, the order dated 27.02.2015 passed by the second respondent is set aside and the matter is remitted back to the respondents for passing appropriate orders on merits and as per law on the claim of the petitioner to get appointment on compassionate grounds. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Social Welfare Department,
Secretariat,
Chennai - 9.
- 2.The District Collector,
Vellore District.
- 3.The Personal Assistant to the District Collector,
(Noon Meals),
Collectorate Buildings,
Vellore.
- 4.The Block Development Officer,
Arcot Block,
Vellore District.

+1cc to the Government Pleader Sr.20820

सत्यमेव जयते

W.P.No.34910 of 2015

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srg 06/07/2021

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