



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.18164 of 2021
(Through Video Conferencing)

P. Barathidhashan

...Petitioner

Vs

1. The District Collector,
Dharmapuri,
Dharmapuri District

2. The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District

3. The Tahsildar,
Taluk Office,
Pappirettipatti Taluk,
Dharmapuri District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to appoint the petitioner in revenue department in suitable post under compassionate ground by considering his representation dated 25.07.2021.

For Petitioner : Mr. M. Elango

For Respondents : Mr.L.S.M. Hasan Fizal
Government Advocate

ORDER

This writ petition is disposed by directing the 1st respondent to consider the communication dated 29.03.2012 of the 3rd respondent recommending the appointment of the petitioner on compassionate grounds, on account of the petitioner's father's death on 17.11.1985.

2. It is noticed that the Government of Tamil Nadu has recently issued a comprehensive and consolidated order in G.O.Ms.No.18, Labour and Employment (Q1) Department, dated



23.01.2020 wherein all the previous Government orders have been captured. As per the aforesaid Government order, an application for appointment on compassionate ground is to be made within a period of three years of the death of the deceased employee. In this case, there is no doubt that an application was filed immediately after the petitioner's father's death on 17.11.1985. On 14.07.1986, the respondents have also considered the representation and the 3rd respondent has recommended the request of the petitioner for appointment on 29.03.2012. However, it is not known whether the petitioner has pursued with the aforesaid request. Therefore, it is not clear as the petitioner has approached this court now in the year 2021.

3. After the petitioner's father's death, an application appears to have been made by the petitioner's mother for appointing her on compassionate grounds. However, no appointment was made.

4. Considering the fact that the petitioner's mother had also aged, a fresh application was sent in the name of the petitioner in September 2005, for appointment on compassionate grounds. The 1st respondent has also informed the petitioner that the application was forwarded to the 2nd respondent for necessary action.

5. The 3rd respondent has also recommended the appointment of the petitioner on compassionate grounds as early as on 29.03.2012. However, the respondents have not appointed the petitioner despite the representation of the petitioner.

6. Mr.L.S.M.Hasan Fizal, learned Government Advocate submits that there is no evidence to prove that the petitioner took any steps after 2012 to pursue his appointment on compassionate grounds where the petitioner has indeed pursued with the respondent after 2012 after the 3rd respondent recommended the appointment of the petitioner cannot be determined.

7.The learned counsel for the petitioner submits that the petitioner has also not enclosed any documents to show that the petitioner had filed earlier representations to pursue with the request of the petitioner for appointment on compassionate grounds.

8.In view of the above, this writ petition is disposed by directing the respondents to consider the representation of the petitioner if indeed. The petitioner had pursued with the fresh representations after 2012. The petitioner is also given liberty to produce any document to substantiate that the petitioner has been following with the respondents continuously for being appointed on compassionate grounds, and the same may be



furnished to the office of the first respondent within a period of 30 days from the date of receipt of a copy of this order.

9. The 1st respondent shall consider the case of the petitioner in the light of the government orders, including the latest government order in G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020, within a period of six weeks from the date of receipt of a copy of this order and pass appropriate orders on merits and in accordance with law. In case, application was indeed made within a period of three years from the date of petitioner's father's death, Paneer Selvam who was also working as a Village Assistant. The 1st respondent shall accommodate the petitioner based on the qualification of the petitioner.

10. This Writ Petition stands disposed of with the above observations. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

jas

To

1. The District Collector,
Dharmapuri,
Dharmapuri District
2. The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District
3. The Tahsildar,
Taluk Office,
Pappirettipatti Taluk,
Dharmapuri District.

+1cc to Mr.M.Elango, Advocate, S.R.No.44302
+1cc to the Government Pleader, S.R.No.44574

W.P.No.18164 of 2021

KV (CO)
RGA (27/10/2021)