



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.31496 of 2014

K.Velmurugan

...Petitioner

Vs

1.The District Collector,
Sathuvachari,
Vellore, Vellore District.

2.The Superintending Engineer,
Highways and Rural Department,
Chennai - 600 025.

3.The Divisional Engineer,
Office of the Divisional Engineer,
Highways and Rural Works,
Vellore.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to consider the petitioner's representations and provide an appointment in suitable post on compassionate ground with the 3rd respondent.

For Petitioner : Mr.K.V.Sajeevkumar,
M/s.Royan Law Associates

For Respondents : Mr.R.S.Selvam, AGP

ORDER

According to the petitioner, his father late Kannan, who was appointed by the 3rd respondent as road worker in the year 1963 as a permanent employee, died in harness on 21.07.1983. At that time, the wife of the deceased Government servant was uneducated and the petitioner was 3 years old. Therefore, on attaining the age of majority, the petitioner made an application in the year 1999 to the 3rd respondent seeking appointment on compassionate grounds. On receipt of the same, the third respondent directed



the petitioner to furnish the relevant documents, such as, legal heir certificate, death certificate, educational certificate, consent letter from his sisters, etc. The petitioner produced all the documents sought by the third respondent, however, his application was not considered. Hence, he filed a representation dated 28.01.2013 to the first respondent, which was also not considered. Finding no other option, the petitioner has come up with this writ petition seeking a mandamus, directing the respondents to consider his application seeking compassionate appointment and provide him a suitable job.

2. Upon notice, a detailed counter affidavit was filed by the respondents, wherein, it is inter alia stated the petitioner's father was appointed as Gang Mazdoor and he was brought in a regular establishment with effect from 01.01.1977 and he died on 21.07.1983 while he was under suspension from his service. The petitioner has submitted necessary certificates in piece-meal between 1999 and 2010. The petitioner made application belatedly beyond prescribed period of three years and hence, the same came to be rejected by the 3rd respondent.

3. Heard the learned counsel for the petitioner, who submitted that taking note of the object for which the scheme was framed i.e., to provide succor to the family of the deceased employee who died in harness while he was in service, this Court may direct the respondent authorities to consider the representation of the petitioner and provide him a job under compassionate grounds.

4. On the other hand, the learned Additional Government Pleader appearing for the respondents submitted that the issue relating to compassionate appointment 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 reads as follows:

"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."

Thus, learned counsel submitted that the respondent authorities would consider the representation of the petitioner, in the light of the Full Bench decision as well as the recent G.O.(Ms). No.18, Labour and Employment (Q1) Department, dated 23.01.2020, which supersedes all the earlier orders issued from 1972 onwards, and pass orders, within a time frame to be stipulated by this Court.



5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondent authorities to consider the representation of the petitioner dated 28.01.2013 and pass appropriate orders, on merits and in accordance with law and also in the light of G.O.(Ms).No.18, Labour and Employment (Q1) Department, dated 23.01.2020 as well the decision of the Full Bench of this Court in WP.(MD).N0.7016 of 2011 dated 11.03.2020. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6.Accordingly, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mtl

To

- 1.The District Collector,
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- 3.The Divisional Engineer,
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Highways and Rural Works,
Vellore.

+lcc to M/s.Royan Associates, Sr.20463.
+lcc to Government Pleader, Sr.20554.

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