

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2021
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.34008 of 2014
And
M.P.No.1 of 2014

M.Ranjith Kumar

... Petitioner

Vs.

1.The Secretary to Government
Rural Development Department
State and Tamil Nadu Panchayat Raj
Fort St.George,
Chennai - 600 009.

2.The District Collector,
Vellore District,
Vellore.

3.The Block Development Officer,
Pernambut Panchayat Union,
Pernambut,
Gudiyatham Taluk,
Vellore District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling records relating to the second respondent's proceedings in Na.Ka.Pa.A3/4438/2013 dated 30.01.2014 and third respondent's proceedings in Na.Ka.A1/743/2013 dated 23.06.2014 and quash the same and direct the respondents to appoint the petitioner in any one of the suitable post in compassionate ground.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.J.Ramesh for R1 and R2
Additional Government Pleader
Mr.Era.Premnath for R3

O R D E R

The petitioner has filed this writ petition seeking to quash the proceedings of the second respondent dated 30.01.2014

and the proceedings of the third respondent dated 23.06.2014 and to direct the respondents to appoint him in a suitable post on compassionate grounds.

2.The case of the petitioner is that his father died on 01.10.2008 while he was in service at the third respondent Panchayat Union. Initially, the petitioner made representation to the respondents seeking employment on compassionate grounds within a period of one year from his father's death, however, the respondents vide memo dated 16.09.2009 directed the petitioner to submit various documents. Thereafter, the petitioner submitted a representation along with the required documents on 05.04.2013. In reply, the petitioner received a letter dated 30.01.2014 from the first respondent rejecting his claim on the ground that his mother is an Anganwadi worker. Thereafter, the petitioner made representation dated 03.06.2014 to the third respondent with all details, however, the impugned order has been passed on the ground that the petitioner has made the representation belatedly. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that the Government in G.O.(Ms) No.40, Labour and Employment (Q1) Department dated 05.01.1990 has clarified that any one of the family member worked as Noon Meal Organizer and helper like part time employers who are getting lesser salary may also be considered for compassionate grounds. Hence, the petitioner is entitled for appointment on compassionate grounds.

4.The learned counsel appearing for the third respondent submitted that the petitioner's mother is an Anganwadi worker and hence, the claim of the petitioner was rejected.

5.When G.O.(Ms) No.40, Labour and Employment (Q1) Department, dated 05.01.1990 has clarified that if any one of the family member worked as Noon Meal Organizer and helper like part time employers who are getting lesser salary, they may also be considered for compassionate grounds, such ground taken by the respondents to reject the claim of the petitioner cannot be countenanced.

6.Initially, the petitioner has made representation seeking employment on compassionate grounds well within the limitation period. Hence, the impugned proceedings of the second respondent dated 30.01.2014 and third respondent dated 23.06.2014 are set aside and the matter is remitted back to the respondents for fresh consideration. The respondents are directed to consider the claim of the petitioner and pass appropriate orders, on merits and as per law within a period of eight weeks from the date of receipt of a copy of this order.

7.With the above direction, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VII)

//True copy//

Sub Assistant Registrar

pri

To

1.The Secretary to Government
Rural Development Department
State and Tamil Nadu Panchayat Raj
Fort St.George,
Chennai - 600 009.

2.The District Collector,
Vellore District,
Vellore.

3.The Block Development Officer,
Pernambut Panchayat Union,
Pernambut,
Gudiyatham Taluk,
Vellore District.

+1cc to Mr.M.Muthappan, Advocate SR.No.20204

+1cc to Government Pleader SR.No.20168

W.P.No.34008 of 2014

And

M.P.No.1 of 2014

AD(CO)
GMY(16/06/2021)

WEB COPY