



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.17464 of 2017
(Through Video Conferencing)

V.Revathi

... Petitioner

Vs

1. The District Collector,
Krishnagiri District,
Krishnagiri.

2. The Tahsildar,
Taluk Office,
Hosur, Krishnagiri District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings passed in Na.Ka.No.6261/2017/A3, dated 08.06.2017 on the file of the first respondent, quash the same and consequently direct the Respondents to consider the appointment of the petitioner on compassionate grounds arisen due to the death of his father Venkataramanappa while he was in service.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.V.P.R.Elamparithi
Government Advocate

ORDER

The petitioner has filed this writ petition for a Certiorarified Mandamus, to call for the records relating to the impugned proceedings passed in Na.Ka.No.6261/2017/A3, dated 08.06.2017 on the file of the first respondent to quash the same and to consequently direct the Respondents to consider the appointment of the petitioner on compassionate grounds due to the death of his father Venkataramanappa while he was in service.

2. By an interim order dated 08.03.2019, the respondents were directed to conduct enquiry considering the request of the



petitioner for being appointed to the post of Village Assistant on compassionate ground. It appears that the said order was not complied.

3. On the subsequent occasion, when the case came up again on 20.07.2021 yet another order came to be passed by this Court by directing the respondents to pass final orders on the enquiry conducted, pursuant to the interim direction of this Court, on or before 16.08.2021.

4. Today the learned Government Advocate for the respondents is unable to confirm whether any orders have been passed till date or not.

5. The impugned order of the first respondent dated 08.06.2017 is defended by the respondents primarily on the ground that the petitioner's father has passed away as early as 08.10.1999 while serving with the second respondent and thereafter no applications were filed and that the petitioner filed application almost after a lapse of 17 years, and therefore such application was contrary to the prevailing rules and regulations for appointment of a person on compassionate ground.

6. It is the case of the petitioner that her mother had earlier filed an application for being appointed on compassionate ground on 03.04.2000. Thereafter, another application was made on 10.09.2001 for appointing the elder sister of the petitioner on compassionate ground. However, no orders were passed and therefore the petitioner filed third representation/application on 20.11.2006.

7. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

8. The Government of Tamil Nadu has issued a consolidated order dated 23.01.2020 in G.O.Ms.No.18, Labour and Employment (Q1) Department, wherein, all the orders passed earlier in the context of appointment on compassionate ground has been captured and a comprehensive guidelines has been issued. Even as per the new guidelines, application for the compassionate ground appointment has to be made within three years from the date of death of the Government servants.

9. There are no records to substantiate whether applications filed on the earlier occasion were considered and disposed. However the facts remains that the family appears to be in indigent circumstance. Considering the same, an order came to be passed by this Court on 08.03.2019 pursuant to which an enquiry was also supposed to held on 26.04.2019. It appears



that the order has not been complied by the respondents till date.

10. In the light of the above, this Writ Petition is disposed by directing the respondents to pass appropriate orders within a period of four weeks from today if no orders have been already passed pursuant to the orders dated 08.03.2019 and 20.07.2021 of this Court. In case, orders have been already passed pursuant to the orders dated 08.03.2019 and 20.07.2021 of this Court, copy of the same may be furnished to the petitioner. In either of the eventuality, directions contained herein shall be complied by the respondents within a period of four weeks from today. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The Tahsildar,
Taluk Office,
Hosur, Krishnagiri District.

+lcc to Mr.K.Govi Ganesan, Advocate Sr.No.41211
+lcc to the Government Pleader Sr.No.41777

W.P.No.17464 of 2017

NMI (CO)
PR (17/09/2021)