



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

**W.P. (MD) No.2005 of 2021
and W.M.P. (MD) .No.1705 of 2021**

S.Vijaya Raghavan

...Petitioner

Vs.

1.The Principal Director,
Office of the Principal Department,
Department of Highways,
Chennai.

2.The Executive Engineer,
Public Works Department,
(Water Resource),
Manithutharu Basin Division,
Devakottai.

3.The Divisional Engineer,
Department of Highways,
Project and Maintenance,
Sivagangai.

4.The Superintending Engineer,
Department of Highways,
Project and Maintenance,
Alagarkovil Road, Madurai,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings bearing No.10583/nir1/(2)2019, dated 27.09.2019, issued by the 1st respondent and consequential order of the 4th respondent impugned memo No.1762/A1/2019, dated 09.10.2019 and quash the same and subsequently direct the respondent to appoint the petitioner on the basis of compassionate ground in any one of the post in the respondent Department.

For Petitioner : Mr.M.Gnanagurunathan

For Respondents : Mr.P.Mahendran

Additional Government Pleader



O R D E R

Heard Mr.M.Gnanagurunathan, learned counsel for the petitioner and Mr.P.Mahendran, learned Additional Government Pleader, who takes notice for the respondents.

2.The Labour and Employment Department of the Government of Tamil Nadu had issued a Government Order in G.O.Ms.No.18, dated 23.01.2020, with the exhaustive guidelines, regulating the request of the legal heirs of the deceased Government Servants. The present impugned orders, dated 27.09.2019 and 09.10.2019, have been passed prior to the issuance of the aforesaid Government Order.

3.Hence, it would be appropriate to direct the respondents to reconsider the petitioner's request in the light of G.O.Ms.No.18, Labour and Employment Department, dated 23.01.2020. Since this Court is remanding back the matter for reconsideration, the grounds raised by the petitioner challenging the present impugned orders are not addressed and it is for the respondents to reconsider the petitioner's request for compassionate appointment.

4.In the light of the above observations, the impugned proceedings bearing No.10583/nir1/(2)2019, dated 27.09.2019, issued by the first respondent and consequential order of the fourth respondent bearing No.1762/A1/2019, dated 09.10.2019, are quashed. Consequently, the first respondent herein is called upon to reconsider the petitioner's application for compassionate appointment, dated 01.02.2015, in the light of the G.O.Ms.No.18, Labour and Employment Department, dated 23.01.2020. Such an exercise of the consideration shall be done as expeditiously as possible, in any event, within a period of three months from the date of receipt of a copy of this order.

5.This writ petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar

/True copy/

/ /2021
Sub Assistant Registrar(CS-)

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Principal Director, Office of the Principal Department,
Department of Highways, Chennai.

2.The Executive Engineer, Public Works Department, (Water Resource),
Manithutharu Basin Division, Devakottai.

3.The Divisional Engineer, Department of Highways,
Project and Maintenance, Sivagangai.

4.The Superintending Engineer, Department of Highways,
Project and Maintenance, Alagarkovil Road, Madurai,
Madurai District.

+1 CC to M/s.M.GNANAGURUNATHAN, Advocate (SR-3632[F] dated
05/02/2021)

+1 CC to THE SPECIAL GOVERNMENT PLEADER (SR-3784[F] dated 08/02/2021)

W.P. (MD) No.2005 of 2021
05.02.2021

TM

PK/27.02.2021 : 3P/7C