



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2021

CORAM

THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.10203 of 2021

M.Divahar

petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Principal District Administrative Officer,
Principal District Court,
Sivagangai District,
Sivagangai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to rejection order dated 22.11.2019 passed by the 2nd respondent and quash the same and consequently direct the respondents herein to issue the petitioner a suitable Government job based on the petitioner's qualification under Compassionate Ground.

For Petitioner : Mr.K.Arul

For Respondent No.1 : Mr.A.K.Manickam,
Standing Counsel for Government

For Respondent No.2 : Mr.N.Tamilmani
Standing Counsel

* * * * *

ORDER

(Order of the Court was made by T. S. SIVAGNANAM, J.)

Heard Mr.K.Arul, learned counsel for the petitioner, Mr.A.K.Manickam, learned Standing Counsel for Government appearing for the first respondent and Mr.N.Tamilmani, learned Standing Counsel appearing for the second respondent.

2.The petitioner has challenged the impugned communication dated 22.11.2019, sent by the second respondent to the petitioner, returning his application seeking for appointment on compassionate ground and raising certain queries.

3.In our considered view, the proper action that should have
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been taken by the petitioner is to resubmit the application and by giving reply to the queries raised and the same should not be challenged by way of this Writ Petition as the impugned proceedings has not culminated in an order.

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4.The learned counsel for the petitioner would submit that the petitioner's father died in harness on 20.10.2018 and he submitted his application for grant of compassionate appointment on 05.11.2019, which is not considered by referring to a Government Order in G.O.No.998 (Labour and Employment Department) dated 02.05.1981, stating that the petitioner's mother is employed. It is further submitted that mother of the petitioner has attained the age of superannuation on 03.06.2019. The petitioner and his sister are living separately and the family of the petitioner is living in indigent circumstance.

5.Learned Standing Counsel for the second respondent submitted that if there is an earning member in the deceased's family, no compassionate appointment can be granted.

6.In any event, it is too earlier to take a decision in the matter as the impugned proceedings has not foreclosed the claim, but only issued notice to the petitioner to answer the claim.

7.Therefore, we dispose of the Writ Petition with a direction to the petitioner to send an appropriate reply to the queries raised and resubmit the application, enclosing the relevant Government orders and documents to prove as to how he is eligible to secure appointment on compassionate grounds. If such reply is submitted and the application is resubmitted with the appropriate reply to the queries raised, the second respondent shall consider the same and pass orders on merits and in accordance with law within twelve weeks from the date of re-presentation of the application.

8.The Writ Petition stands disposed of with the above observation and direction. No costs.

Sd/-

Assistant Registrar (CSI)

// 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

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the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

Sj ஸ்ரீமதி ஜெயசுந்தரி

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To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Principal District Administrative Officer,
Principal District Court,
Sivagangai District,
Sivagangai.

+1 CC to M/s.SPL GP (SR-19788[F] dated
21/06/2021)

W.P. (MD) No.10203 of 2021
17.06.2021

GS (25.06.2021) 3P 4C