



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.16652 of 2019

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S.Balaji

... Petitioner

Vs.

1.The Health Secretary,
Secretariat,
Chennai.

2.The Director,
Public Health and Preventive Medicine and Drugs,
Chennai - 6.

3.The Deputy Director,
Health Services,
Ramanathapuram.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to proceedings of the third respondent dated 12.06.2019 made in Na.Ka.No.0153/A1/2008 and quash the same and consequently direct the respondents to give compassionate appointment to the petitioner's younger brother.

For Petitioner : Mr.K.Balasundharam

For Respondents : Mr.A.K.Manickam,
Standing Counsel.

ORDER

This Writ Petition has been filed challenging the order passed by the third respondent dated 12.06.2019 and to direct the respondents to give compassionate appointment to the petitioner's younger brother.

2. The case of the petitioner is that his father was working as Jeep Driver in the office of the third respondent and he died on 09.01.2008, while he was in service. On 16.06.2008, the petitioner's mother submitted an application to the second respondent seeking compassionate appointment for the petitioner. Since the petitioner is not interested in getting the job, the petitioner's mother submitted an application on 16.06.2019,



seeking compassionate appointment to her younger son viz., S.Sathiskumar. The said request was rejected on the ground that there is no provision for giving compassionate appointment to the alternative legal heirs. Challenging the same, the present Writ Petition has been filed.

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3. The learned counsel appearing for the petitioner submitted that since the petitioner is having some neuro problem, the petitioner's mother made an application on 16.06.2019, seeking compassionate appointment to the petitioner's younger brother viz., S.Sathishkumar. Without considering the reasons stated in the application, the third respondent has rejected the same. Hence, the impugned order is liable to be set aside.

4. The learned Standing Counsel for State appearing for the respondents submitted that the Writ Petition is not maintainable on the ground that the petitioner's mother submitted an application seeking compassionate appointment to her younger son viz., S.Sathiskumar. The said application was rejected and copy of the said order was also communicated to the said Sathiskumar, who is the younger brother of the petitioner. Therefore, the petitioner has no *locus standi* to challenge the impugned order passed by the third respondent and hence, this Writ Petition is liable to be dismissed.

5. I have anxiously considered the rival submissions and also perused the materials available on record.

6. On a perusal of the records, it is seen that initially the petitioner's mother submitted an application seeking compassionate appointment for the petitioner and the said application is pending for consideration and the petitioner's name has also been registered in the Department for consideration. That being so, the petitioner's mother submitted another application on 16.06.2019, seeking alternative compassionate appointment to her younger brother S.Sathiskumar. The said application was rejected on the ground that there is no provision for giving compassionate appointment to the alternative legal heirs. Therefore, the respondent has rightly passed the impugned order and the petitioner has no *locus standi* to challenge the said impugned order passed by the third respondent.

7. In view of the above, there is no merit in this Writ Petition and the same is liable to be dismissed. Accordingly, this Writ Petition is dismissed. Insofar as the case of the petitioner is concerned, this Court is of the view that since the petitioner's name has been considered for compassionate appointment, it is for the petitioner to approach the authority concerned and produce all the relevant documents and based on the



documents, the respondents shall take a decision and pass orders in accordance with law. No costs.

Sd/-

Assistant Registrar (CS I)

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// True Copy //

/ /2021

Sub Assistant Registrar (CS)

vsm

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 Health Secretary,
Secretariat,
Chennai.
- 2.The Director,
Public Health and Preventive Medicine and Drugs,
Chennai - 6.
- 3.The Deputy Director,
Health Services,
Ramanathapuram.

+1 CC to M/s.K.BALASUNDHARAM, Advocate (SR-28099[F] dated 03/09/2021)

+1 CC to M/s.SPL GP (SR-28047[F] dated 03/09/2021)

W.P(MD)No.16652 of 2019
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