



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.17503 of 2020

WEB COPY

Karthick

... Petitioner

-vs-

1.The Principal Secretary to Government  
of Tamil Nadu  
Labour & Employment Department  
St.George Fort  
Chennai-600 009

2.The Principal Chief Conservator of Forests &  
Chief Project Director  
Panagal Maaligai  
1, Jeens Road, Saidapet  
Chennai-15

3.The Additional Principal Chief Conservator  
of Forests & Chief Project Director  
Kalakaud Mundanthurai Tiger Reserve  
Tirunelveli District

4.The Deputy Director / Wild Life Warden -  
Tiger Project  
Kalakkadu  
District Level Miscellaneous Offices  
Tirunelveli District

5.The District Collector  
Tirunelveli @  
Tirunelveli District

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the first and fifth respondents to provide the petitioner with an appointment as Junior Assistant as per G.O.(Ms) No.216 of Labour and Employment (Q1) Department, dated 15.11.2007, within a stipulated period of time considering his application for compassionate appointment submitted to the third respondent on 22.12.2012.

For Petitioner : Mrs.L.Victoria Gowri

For Respondents : Mr.A.K.Manickam  
Government Counsel



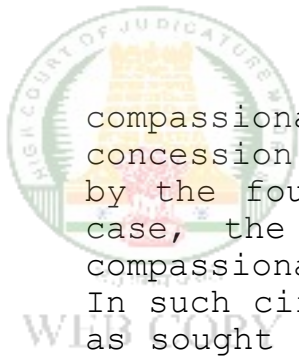
**O R D E R**

The prayer in the writ petition is for issuance of a writ of mandamus directing the respondents 1 and 5 to provide appointment as Junior Assistant, as per G.O.(Ms.) No.216, Labour and Employment (Q1) Department, dated 15.11.2007, to the petitioner on compassionate grounds, within a stipulated period, by considering his application dated 22.12.2012 submitted to the third respondent.

2. According to the petitioner, his father C.Madasamy was working as Ranger in Kalakadu Forest Range and he died on 27.12.2011 while in service. Further, according to the petitioner, at the time of death of his father, he was pursuing his second year B.E.Course. Claiming compassionate appointment to the post of Forester, as per G.O.(Ms.) No.216, Labour and Employment (Q1) Department, dated 15.11.2007, the petitioner sent a representation to the respondents and since the same was not considered by the respondents, he has filed this writ petition.

3. The Deputy Director / Wildlife Warden Kalakad Sanctuary, fourth respondent herein, has filed a counter affidavit stating that on 22.12.2012, the petitioner gave a representation to the third respondent seeking compassionate appointment to the post of Forester. The said application was forwarded to the Chief Conservator of Forests / Field Director, Tiger Reserve, Tirunelveli, for consideration. The Chief Conservator, by order dated 22.03.2013, rejected the same on the ground that the petitioner did not fulfill the requisite educational qualification to the post of Forester. Thereafter, vide proceedings dated 12.04.2018, the petitioner was asked to give amended application for compassionate appointment as per his educational qualification, followed by several reminders. However, there was no response from the petitioner. Hence, the fourth respondent sent a notice, dated 29.10.2013 to the petitioner stating that as per 12<sup>th</sup> Standard qualification, he is eligible to the post of either Forest Guard or Junior Assistant. Despite the same, the petitioner did not respond and after a lapse of five years, on 03.05.2018, he sent amended application to the second respondent with a request to provide appointment on compassionate ground to the post of Junior Assistant and the same was forwarded to the fifth respondent. After perusal of the materials submitted by the petitioner, the fifth respondent assigned seniority number as 185-1A and communicated the same to the second respondent, who in turn informed the same to the petitioner. According to the respondents, as and when vacancy arises and when his turn comes, the petitioner would be provided appointment on compassionate ground.

4. This Court is of the view that providing appointment on



compassionate ground is not a statutory right, but it is a concession and it cannot be claimed as a matter of right. As stated by the fourth respondent in the counter affidavit, in the instant case, the respondents have considered the petitioner's case for compassionate appointment and assigned seniority number as 185-1A. In such circumstances, this Court cannot pass any positive direction as sought for by the petitioner and he should wait for his turn and when he turn comes, the respondents would provide appointment on compassionate grounds, if otherwise eligible.

5. With the above observation, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

krk

**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 Secretary to Government  
of Tamil Nadu,  
Labour & Employment Department,  
St.George Fort,  
Chennai-600 009.
- 2.The Principal Chief Conservator of Forests &  
Chief Project Director,  
Panagal Maaligai,  
1, Jeens Road, Saidapet,  
Chennai-15.
- 3.The Additional Principal Chief Conservator  
of Forests & Chief Project Director,  
Kalakaud Mundanthurai Tiger Reserve,  
Tirunelveli District.



**W.P.(MD) No.17503 of 2020**

4.The Deputy Director / Wild Life Warden -  
Tiger Project,  
Kalakkadu,  
District Level Miscellaneous Offices,  
Tirunelveli District.

5.The District Collector,  
Tirunelveli @  
Tirunelveli District.

+1 CC to M/s.GP ( SR-28042[F] dated 03/09/2021 )

**W.P. (MD) No.17503 of 2020**  
**01.09.2021**

RD(13.09.2021) 4P 7C