



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 15.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD)No.20614 of 2021

R.Ganesan ... Petitioner

Vs

1.The Director of Backward Classes
and Minority Welfare,
Ezhiagam,
Chepauk, Chennai - 600 005.

2.The District Backward Classes
and Minority Welfare Officer,
Collector's Office,
Pudukottai.

... Respondents

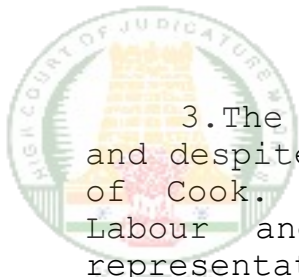
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents, i.e., the Director of Backward Classes and Minority Welfare, Chennai and the District Backward Classes and Minority Welfare Officer, Pudukottai to pass appropriate orders on the petitioner's representation dated 11.09.2021 based on G.O.Ms.No.1499 Labour and Employment (Q1) Department dated 03.08.1989, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam.
For Respondents : Mr.V.Nirmal Kumar,
Government Advocate

ORDER

The writ petition has been filed for mandamus to direct the respondents to pass orders on the representation of the petitioner based on G.O.Ms.No.1499, Labour and Employment (Q1) Department dated 03.08.1989.

2.The learned Counsel for the petitioner submits that the petitioner's father, while was serving as Cook in the Government Boys Backward Class Hostel, Vayalogam, Illupur Taluk, Pudukottai District passed away on 15.07.2018. Subsequently, the petitioner was appointed as Cook on compassionate grounds in the same hostel on 08.11.2018 by the second respondent.



3.The grievance of the petitioner is that he is a B.E.,graduate and despite his qualification, he has been provided with appointment of Cook. Therefore, the petitioner by referring G.O.Ms.No.1499 Labour and Employment (Q1) Department dated 03.08.1989, made representation to the respondents to appoint him as Junior Assistant. But,his request has not been considered by the respondents so far.

4.The learned Counsel further states that as per the said Government Order, when a person is appointed on compassionate grounds, if he possess qualification for being appointed as Junior Assistant/ Typist, his case may be considered for appointment to the post of Junior Assistant/ Typist. In this case the petitioner is a B.E. Graduate, however he has been appointed as Cook. Therefore, the petitioner is before this Court.

5.The learned Government Advocate appearing for the respondents by referring G.O.Ms(Nilai) 42, Labour and Employment (Q1) Department, dated 12.03.2007 submits that compassionate appointment can be made only to the posts of C and D categories. As per the circular of the first respondent issued in Na.Ka.No.B3/3680/2016, dated 23.12.2016, the posts of Cook, Watchman/servant and Secondary Grade Warden/ Matron fall under the categories of C and D. Therefore, the claim of the petitioner cannot be considered as per G.O.Ms.No.1499 Labour and Employment (Q1) Department dated 03.08.1989.

6.This Court paid its anxious consideration to the rival submissions and perused the materials placed on record.

7.Admittedly the petitioner was appointed on compassionate grounds as Cook in the Government Boys Backward Class Hostel, Vayalogam, Illupur Taluk, Pudukottai District in his father's place, since his father died while he was in service. The petitioner is also a B.E., graduate. Despite his educational qualification, he was appointed as Cook. The petitioner has requested for appointment to the post of Junior Assistant by referring G.O.Ms.No.1499 Labour and Employment (Q1) Department dated 03.08.1989 and Clause 2(i) of the Government Order reads as follows:

"A dependant appointed to a lower post like Record Clerk, Office Assistant and Sweeper on compassionate grounds but possess the qualification required for the post of Junior Assistant at the time of initial appointment to a lower post may be appointed as Junior Assistant / Typist."

8.In view of the above, this writ petition is allowed and the respondents are directed to consider the request of the petitioner based on the above cited Government Order and pass appropriate



orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-III)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dsk

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 Director of Backward Classes
and Minority Welfare,
Ezhiagam,
Chepauk, Chennai - 600 005.

2.The District Backward Classes
and Minority Welfare Officer,
Collector's Office,
Pudukottai.

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-39295[F] dated
17/12/2021)

+1 CC to M/s.SPL GP (SR-39047[F] dated 16/12/2021)

**W.P (MD) No.20614 of 2021
15.12.2021**

NSN (CO)
GC(11.01.2022) 3P 5C