



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.20665 of 2018

S.Alagarsamy

... Petitioner

-vs-

1.The District Collector
Office of the District Collector
Tiruchirapalli District, Tiruchirapalli

2.The Block Development Officer
Office of the Block Development Officer
Manapparai Panchayat Union
Manapparai, Tiruchirapalli District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to give employment under compassionate ground.

For Petitioner : Mr.A.John Vincent

For Respondents : Mr.A.K.Manickam
Government Counsel for R1
Mr.C.M.Marichelliah Prabhu for R2

O R D E R

The prayer in this writ petition is for issuance of a writ of mandamus directing the respondents to give compassionate appointment to the petitioner.

2. According to the petitioner, his father was working as Noon Meal Organiser in a Panchayat Union Middle School at Vellaiyagoundanpatti and died on 22.07.2014, while he was in service. He submitted application on 20.08.2014 to the second respondent seeking compassionate appointment. On 09.09.2014, the Commissioner of Panchayat Union sought for certain certificates, namely, death certificate, succession certificate etc., and based on the same, the petitioner submitted the requisite certificates in person to the second respondent. However, his application was not considered. Hence, the petitioner, on 04.02.2015, made another representation to the second respondent. Again, the respondents sought for some certificates. The grievance of the petitioner is that though he submitted the requisite certificates, the respondents, without considering the same, again and again seeking certificates and hence, he has filed this writ petition.



3. The second respondent has filed a counter affidavit stating that the petitioner has to obtain no objection certificate from the female legal heirs of the deceased employee and unless the no objection certificate from the female legal heirs of the deceased employee is produced, the petitioner's application for compassionate appointment cannot be considered.

4. In view of the above position, the petitioner is directed to obtain no objection certificate from the female legal heirs of the deceased employee / his father and produce the same before the second respondent.

5. At this juncture, the learned counsel for the petitioner submitted that already the petitioner has submitted no objection certificate to the second respondent. If that is so, the petitioner shall give a copy of the same once again to the second respondent, within a period of two weeks from the date of receipt of a copy of this order.

6. On receipt of the same, the second respondent is directed to consider the petitioner's application, dated 04.02.2015, and pass orders on merits and in accordance with law, if the petitioner is otherwise eligible under the relevant Government Orders, within a period of twelve weeks therefrom.

7. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 District Collector,
Office of the District Collector,
Tiruchirapalli District,Tiruchirapalli.



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2.The Block Development Officer
Office of the Block Development Officer
Manapparai Panchayat Union
Manapparai, Tiruchirapalli District

+1 CC to M/s.A. JOHN VINCENT, Advocate (SR-25733[F] dated
10/08/2021)

+1 CC to M/s.GP (SR-25948[F] dated 11/08/2021)

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RD(17.08.2021) 3P 5C