



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 17.02.2022

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.2753 of 2022 and
WMP No.2914 of 2022

V.Karthikeyan

..Petitioner

Vs.

1.The Collector, Vellore District.

2.The Tahsildar, Katpadi, Vellore District.

...Respondents

Prayer Writ petition filed under Section 226 of the Constitution of India seeking to issue a writ of Mandamus directing the respondent to grant employment to the petitioner on compassionate ground pursuant to the petitioner's petitions dated 08.08.2011, 14.07.2014, 26.03.2018, 10.09.2018.

For petitioner	: Mr.G.Appavu
For respondents	: Mr.P.Balathandayutham Spl. Govt. Pleader

ORDER

This writ petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to grant employment to the petitioner on compassionate ground pursuant to the petitioner's petitions dated 08.08.2011, 14.07.2014, 26.03.2018, 10.09.2018 or order direction in the nature of Writ.

2. The case of the petitioner in brief:

The father of the petitioner died on 24.05.1996, while he was working as Village Assistant, leaving behind the petitioner and his mother, sisters and brothers as legal heirs. Earlier, the brother of the petitioner namely Subramani had filed O.A.No.1366 of 2002 before the Tamil Nadu Administrative Tribunal, claiming employment and Family Pension. Though the respondents were directed by the Tribunal to pay family pension, without reference to employment, till date of filing writ petition, pension was not granted. Further, petitioner's



brother Subramani had applied for employment on 02.04.2007. Later, since he was suffering from Pulmonar decease, he had given consent and no objection to give employment to the petitioner on compassionate ground. Likewise, other brothers and sisters were also given consent and no objection. Though the petitioner has given representations seeking employment on compassionate ground, the same will not be considered by the respondents. Hence this writ petition.

3. It is pertinent to note that the Government has examined the whole issue of compassionate ground appointment in detail and issued the Government Order in G.O.Ms. No.18 dated 23.01.2020. In the above said Government Order, the Government has issued a comprehensive guidelines for compassionate ground appointment, in super session of all the earlier orders issued. Further, in the above said order, with regard to the alternative application, it has been held thus.

Alternative Application: If the applicant (legal heir of deceased Government Servant) died after applying for compassionate ground appointment, an alternative application may be accepted from the another legal heir of the deceased Government Servant, subject to conditions prescribed for compassionate ground appointment.

4. The above guidelines clearly stated that, alternative application shall be submitted only in exceptional cases, where the applicant died, after applying compassionate appointment. Therefore, there is no provision to consider the petitioner's application as a substituted petition to provide employment to him, for the death of his father. Further, this order will not stand in the way of the respondents to pay family pension, if it is still pending and otherwise eligible.

5. Accordingly, this writ petition is dismissed. Consequently, connected writ miscellaneous petition is closed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mst



To

1.The Collector, Vellore District.

2.The Tahsildar, Katpadi, Vellore District.

+1 CC to Mr.G.Appavu, Advocate sr 10140.

+1 CC to The Government Pleader sr 10735, 10738.

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KG(CO)
SP(07/03/2022)