



WEB COPY



W.P.No.20799 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.20799 of 2018

P.Vikraman,
S/o. Balakrishnan

..Petitioner

Vs.

1. The Principal Chief Conservator of Forest's
Panagal Buildings, Saidapet,
Chennai – 600 015.

2. The Conservator of Forests,
Kovai Forest Division,
Coimbatore.

3. The District Forest Officer,
Niligiri North Division,
Udhakamandalam.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for Writ of Mandamus, directing the respondents 2 and 3 either jointly or severally to fix the seniority of the petitioner from date of death of his father in the light of G.O.Ms.No.185 Labour and Employment (02) Department dated 04.10.2006 with all consequential monetary and service benefits attached to the petitioner service.



W.P.No.20799 of 2018

For Petitioner : Mr.P.Ganapathy
For Respondents : Mr.U.M.Ravichandran
Special Government Pleader

ORDER

The prayer sought for herein is for a writ of mandamus, to direct the respondents 2 and 3 to fix the seniority of the petitioner from date of death of his father in the light of G.O.Ms.No.185, Labour and Employment (02) Department, dated 04.10.2006 with all consequential monetary and service benefits attached to the petitioner.

2. The petitioner father one P.Balakrishnan was working in regular service as Forest Watcher under the respondent Department from 04.07.1987. While so, he died in harness on 13.12.2000. Thereafter, the petitioner made representation on 07.03.2001 for providing compassionate appointment to the petitioner. Thereafter, eventually, after 9 years, the petitioner was given compassionate appointment as Forest Watcher vide appointment order dated 13.10.2009 issued by the third respondent.



W.P.No.20799 of 2018

3. In this context, the further plea of the petitioner is that since the petitioner had given application for compassionate appointment on 07.03.2001, due to the death of his father, while he was in service on 13.12.2000, his seniority in the post, where the petitioner was appointed on compassionate ground i.e., Forest Watcher shall be reckoned only from the date of the death of his father.

4. For this peculiar composition as projected by the petitioner, he relied upon G.O.Ms.No.185, Labour and Employment (02) Department, dated 04.10.2006. Accordingly, asking such a seniority in the post of Forest Watcher from the date of his father, the petitioner since had given representation, which was not considered by the respondents, therefore, he approached this Court by filing the present writ petition with the aforesaid prayer.

5. Heard Mr.P.Ganapathy, learned counsel appearing for the petitioner, who heavily relied upon the G.O.Ms.No.185, Labour and Employment (02) Department, dated 04.10.2006, which reads thus:

“For the appointment under compassionate grounds,



W.P.No.20799 of 2018

the question of fixing of seniority for adopting either the date of death of the Government servant (or) the date of application produced by the legal heirs of the deceased Government servant has to be decided.

2. The Government after careful examination of the matter have decided that the date of death of the deceased Government servant be taken for fixing seniority for appointment under compassionate grounds and accordingly direct that the date of death of Government servant should be taken for fixing seniority for making appointments under compassionate grounds.

3. This order will take effect from the date of issue of the order.”

6. By giving his interpretation, learned counsel appearing for the petitioner would contend that in paragraph 2 of the said Government order, the Government had decided that the date of death of the deceased Government servant be taken for fixing seniority for appointment under compassionate ground, which means that the date of death of the deceased Government servant shall be taken as the date for fixing the seniority of the legal heir in the said post, where he has been appointed on compassionate ground.



W.P.No.20799 of 2018

7. I am afraid of having such a proposition as projected by the learned counsel appearing for the petitioner and I have heard Mr.U.M.Ravichandran, learned Special Government Pleader, appearing for the respondents, who has also rightly clarified that the date of seniority i.e., the date of death or the date of application made by the job seeker on compassionate ground shall be reckoned for the purpose of keeping the applications pending for consideration for making compassionate appointment and therefore, the date of the death was directed to be taken as per the G.O.Ms.No.185, Labour and Employment (02) Department, dated 04.10.2006 for arranging the applications with seniority to consider the plea of the job seeker to give compassionate appointment on compassionate ground. Therefore, the import of the G.O.Ms.No.185, Labour and Employment (02) Department, dated 04.10.2006, has been wrongly understood by the petitioner that is the reason why, this writ petition has been filed, he contended.

8. I am in full agreement with the said clarification given by the learned Special Government Pleader appearing for the official respondents and the language used in the Government Order has made it



W.P.No.20799 of 2018

clear that the Government had decided that the date of death of the deceased Government servant be taken for fixing seniority for appointment on compassionate ground means, suppose if ten applications are filed in the particular unit of office of the Government or Department of the Government, among the ten applications, which application shall be taken first based on the seniority has to be decided, for which, the date of death of the deceased Government servant instead of the date of application made by the job seeker can be taken as a date for fixing the seniority for taking the application and not for any other purpose. Hence, the plea raised by the petitioner and the prayer sought herein is totally untenable and unjustifiable.

Hence, the writ petition fails and accordingly it is dismissed. No costs.

18.08.2022

Index : Yes/No
Internet: Yes/No
mp



W.P.No.20799 of 2018

WEB COPY To

1. The Principal Chief Conservator of Forest's
Panagal Buildings, Saidapet,
Chennai – 600 015.
2. The Conservator of Forests,
Kovai Forest Division,
Coimbatore.
3. The District Forest Officer,
Niligiri North Division,
Udhakamandalam.



WEB COPY



W.P.No.20799 of 2018

R.SURESH KUMAR.J.
mp

W.P.No.20799 of 2018

18.08.2022