



W.P.No.16316 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.16316 of 2020

Parthiban

.... Petitioner

-Vs-

1.State of Tamil Nadu
Rep.by its Principal Secretary to Government
Revenue Department, Fort St.George
Fort St.George, Chennai 600 009.

2.The District Collector
Cuddalore & District.

3.The Tahsildar
Chidambaram Taluk
Cuddalore District.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to revise the petitioner appointment as Junior Revenue Inspector with effect from his date of appointment 13.07.2012 and further direct the respondents to provide subsequent promotions along with wages and other monetary benefits within a time frame as may be stipulated by this Hon'ble Court.

For Petitioner : Mr.V.Gunasekar

For Respondents : Mr.M.Rajendran
Additional Government Pleader



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ORDER

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The prayer sought for herein is for a Writ of Mandamus directing the respondents to revise the petitioner appointment as Junior Revenue Inspector with effect from his date of appointment 13.07.2012 and further direct the respondents to provide subsequent promotions along with wages and other monetary benefits within a time frame as may be stipulated by this Court.

2. The petitioner's father one Kamalakannan was working as Village Administrative Officer and he died suddenly on 27.01.2003 while he was in service. Therefore, after the demise of the petitioner's father the petitioner has made an application for compassionate appointment at the respondent office. However, the application was not immediately considered because the petitioner did not have the qualification of even 10th standard. Therefore, the application was kept pending.

3. After the petitioner qualified in 10th standard, considering the 10th standard qualification, his application was taken up and considered for appointment under compassionate appointment as Office Assistant in the third respondent office by order dated 13.07.2012. Pursuant to the said appointment order, he joined in the said post on 18.07.2012 and has been continuously working. While so, the grievance of the petitioner is that, at the time of his



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appointment as Office Assistant, the petitioner's qualification is eligible for the post of Junior Revenue Assistant and therefore in that the petitioner's application should have been considered and hence his appointment order has to be revised and he shall be appointed as Junior Revenue Assistant. The petitioner has given a representation to the respondents on 25.08.2020 and since the same has not been considered, the petitioner has approached this Court by filing the present writ petition.

4. Heard Mr.V.Gunasekar learned counsel appearing for the petitioner who would reiterate the aforesaid facts and would seek the indulgence of this Court to issue suitable direction to the respondents by way of Mandamus.

5. Heard Mr.M.Rajendran, learned Additional Government Pleader who would submit that, at the time of making the application, the petitioner even did not have the qualification of 10th standard and thereafter after several years he became qualified with 10th standard and therefore based on the qualification subsequently acquired, he could not expect for more suitable post. Moreover, compassionate appointment is only to alleviate the poverty and the indigent circumstances prevailing in the family of the deceased government servant and only in order to bail out the family and therefore as a matter of right the petitioner cannot seek a particular job because of the subsequent qualification



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he acquired. Hence, the petitioner's plea has to be rejected and the writ petition has to be dismissed, learned Additional Government Pleader contended.

6. I have heard the submissions made by the learned counsel for both sides and have perused the materials placed on record.

7. As has been rightly pointed out by the learned Additional Government Pleader, the petitioner's application was made sometime in the year 2004 and at that time the petitioner was not even having 10th standard qualification and hence the petitioner cannot seek for a particular job according to his qualification acquired subsequently.

8. Compassionate appointment is against the recruitment rules pertaining to public employment and only for the purpose of bailing out the family of the deceased Government servant from the penurious circumstances. Therefore, that cannot be treated as a tool to get desired job as per the qualification which has subsequently been acquired by the job seeker. Therefore, the contention of the learned Government counsel that the plea raised by the petitioner cannot be considered by the respondents, has to be accepted.

9. However, the representation submitted by the petitioner on 25.08.2020



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has still not been disposed of and it is pending, this Court feels that a direction can be given to the respondents to dispose of the said representation on merits and in accordance with law and while considering the same, the aforesaid observation made by this Court can be borne in mind by the officer concerned who passes the order.

10. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order.

“ That there shall be a direction to the respondents ie., the second respondent / District Collector to consider the representation of the petitioner dated 25.08.2020 and pass orders thereon on the basis of the observation made by this Court in this order and as per the extant rules within a period of eight weeks from the date of receipt of a copy of this order.”

11. With the above direction, this writ petition is disposed of. No costs.

08.09.2022

Index : Yes/No
Internet : Yes/No
KST
To

1.The Principal Secretary to Government



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Revenue Department, Fort St.George
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R. SURESH KUMAR, J.

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