



W.P.No.25828 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25828 of 2019

G.K.Raja

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary,
Social Welfare and Nutritious Meal Department,
Fort St.George,
Chennai – 600 009.
2. The Director,
Social Welfare and Nutritious Meal Department,
Arunachalam Street,
Chindadaripet,
Chennai – 600 002.
3. The District Collector,
Dharmapuri District,
Dharmapuri.
4. The Commissioner,
Panchayat Union,
Palakkodu,
Dharmapuri District – 636 808.

... Respondents



W.P.No.25828 of 2019

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, calling upon the records in proceedings No.Na.Ka.No.11250/2018/a4 dated 02.11.2018 passed by the 3rd Respondent and quash the same and consequently direct the Respondents to appoint the petitioner on compassionate grounds to the post of Noon Meal Organizer by relaxing the conditions as per G.O.Ms.No.198 dated 25.10.2007.

For Petitioner : Mr.V.Ravindran

For Respondents : Mrs.S.Anitha
Special Government Pleader

ORDER

The order of rejection, rejecting the claim of the writ petitioner for compassionate grounds is under challenge in the present writ petition.

2. The petitioner states that his father Late.Govindan was employed as Noon Meal Organizer in Panchayat Union Elementary School, Karigudanoor and died on 20.01.2012, while he was in service. The father of the writ petitioner survived by his wife Lingammal, daughter Saritha and the writ petitioner.



W.P.No.25828 of 2019

WEB COPY

3. The petitioner submitted an application seeking appointment on compassionate grounds. The petitioner has completed B.A.Degree in English from Annamalai University. The application was considered by the competent authorities and it was rejected in proceedings dated 02.11.2018, stating that female legal heirs are available in the family of the writ petitioner and as per the Government Guidelines issued in G.O.(Ms)No.48, Social Welfare Department dated 18.08.2021, the female legal heirs alone are eligible for appointment to the post of Noon Meal Organizer on compassionate grounds. The petitioner being a male legal heir of the deceased employee is not eligible under the Government Orders issued.

4. Pertinently, based on the application submitted by the writ petitioner, the Tahsildar, Palacode, conducted an enquiry regarding the financial status of the family of the writ petitioner. The report of the Tahsildar, which is extracted in the counter statement filed by the third respondent reads as under:



WEB COPY



W.P.No.25828 of 2019

“The Thasildar, Palacode has submitted his enquiry report on the financial status of petitioner vide Lr.No.22163/19/A2, dated 02.10.2019 and reported that the petitioner and his family have possessed the patta lands as follows:

Patta No	Survey No	Classification	Area (in ares)
83	409/3	Punjai	0.16.0
83	409/4	Punjai	1.07.0
613	437/2	Punjai	1.90.0
613	409/5	Punjai	0.05.0
613	409/6	Punjai	0.15.0
744	416/2b	Punjai	0.39.0
		Total	3.57

Presently, The petitioner is doing real estate business and working in a private finance company. Further the petitioner is possessing Four Wheeler (Maruthi Suzuki Desire) having registration No.TN31 BF 4062 and also a Two Wheeler (Honda Shine). Based on the Verification of Land records and earning status, The Thasildar, Palacode has concluded in his report that the petitioner is not a poor person. The petitioner is not in the state of seeking Government job on Compassionate Grounds for his livelihood. The report copy of the Thasildar, Palacode is submitted before Hon'ble High Court, Madras. Hence the contention of the petitioner is totally false and illusive.”



W.P.No.25828 of 2019

WEB COPY

5. The family of the petitioner is not under indigent circumstances.

Indigent circumstances of the family being the criteria for consideration of the case for compassionate appointment, the petitioner is ineligible to avail the expenditure of compassionate appointment under the scheme. Thus, I do not find any infirmity in respect of the order passed by the respondents.

6. Accordingly, the writ petition stands dismissed. No costs.

30.11.2022

Index:Yes/No

Speaking order/Non-speaking order

rgm

S.M.SUBRAMANIAM, J.



WEB COPY



W.P.No.25828 of 2019

rgm

To

1. The Secretary,
The Government of Tamil Nadu,
Social Welfare and Nutritious Meal Department,
Fort St.George,
Chennai – 600 009.
2. The Director,
Social Welfare and Nutritious Meal Department,
Arunachalam Street,
Chindadaripet,
Chennai – 600 002.
3. The District Collector,
Dharmapuri District,
Dharmapuri.
4. The Commissioner,
Panchayat Union,
Palakkodu,
Dharmapuri District – 636 808.

W.P.No.25828 of 2019

30.11.2022