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W.P.No.7120 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7120 of 2017

S.Ravishkumar

...Petitioner

Vs.

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Director of Rural Development
and Panchayat Raj,
No.1, Jones Road,
Panagal Building, Saidapet,
Chennai – 15.

3.The President,
R.Gopinathampatti Panchayat,
Morappur Panchayat Union,
Dharmapuri District.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the order dated 25.01.2017 made in Na.Ka.No.19163/2016/N2 on the file of the first respondent herein and quash the same and consequently appoint the petitioner in any one of the posts equivalent to his educational qualification on compassionate ground.



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For Petitioner : Mr.C.Munusamy
For R1 and R2 : Mr.P.Gurunathan
Additional Government Pleader
For R3 : Mr.M.Digvijayapandian

ORDER

The order of rejection, rejecting the claim of the writ petitioner for providing appointment on compassionate grounds in proceedings dated 25.01.2017 is under challenge in the present writ petition.

2. The petitioner states that his father Mr.Shanmugam was employed as Overhead Tank / Power Pump operator in the respondent / Village Panchayat and died on 05.01.2011, while he was in service. The deceased employee died on account of electrocution. The petitioner submitted an application seeking appointment on compassionate ground. The said application was rejected by the first respondent in proceedings dated 25.01.2017 on the ground that there is no provision to provide compassionate appointment in respect of the deceased employee working in the cadre of Overhead Tank / Power Pump operator.

3. The learned counsel for the petitioner reiterated that the petitioner's



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father was a permanent employee of the Village Panchayat and therefore, the petitioner is eligible for appointment on compassionate grounds. The case of the writ petitioner was not considered without any valid reason. Further, the family of the petitioner was in indigent circumstances on account of the sudden death of the employee. Thus, the order of rejection is to be set aside. It is stated that the mother of the writ petitioner also died and there was no one to take care of the petitioner.

4. The learned Additional Government Pleader appearing on behalf of the respondents 1 and 2 and the learned counsel appearing on behalf of the third respondent / Village Panchayat, objected the said contention by stating that the father of the writ petitioner was working as Part time OHT operator and therefore, the petitioner is not eligible to avail the benefit of the scheme of compassionate appointment. As far as the part-time Overhead Tank Operators are concerned, they were receiving consolidated pay salary and thus, they are not considered as permanent employees for the purpose of providing appointment on compassionate grounds under the Government scheme.



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5. In this regard, the counter affidavit filed by the first respondent reveals that the father of the writ petitioner died on 05.01.2011 and the petitioner submitted a representation on 24.11.2016 to the District Collector, Dharmapuri, and sought for appointment on compassionate ground. The Personal Assistant to Collector (Development), Dharmapuri, has summarily rejected the representation of the petitioner in letter dated 25.01.2017, stating that there was no rule for considering the legal heirs of the deceased Part time Power pump operators / OHT operators for appointment on compassionate grounds, since the post of OHT operator is the part time based and bearing consolidated pay with respect to G.O.Ms.No.102/Rural Development and Panchayat Raj (E5) Department dated 13.07.2015.

6. In view of the fact that the deceased employee was a part-time employee and not falling under the scheme of compassionate appointment, there is no infirmity in respect of the order of rejection passed by the respondents in the present case.

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



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Index : Yes
Speaking order: Yes
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To

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S.M.SUBRAMANIAM, J.

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