BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.03.2022**
CORAM:
THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
W.P.(MD)No.5350 of 2021

I.Rajasekar ... Petitioner

Vs.

1.The Principal Chief Commissioner of
GST and Central Excise,
Tamil Nadu and Puduchery,
No.26/1, Mahatma Gandhi Road,
Nungambakkam, Chennai-600 034.

2.The Chief Commissioner of Central Excise
Cadre Controlling Authority,
Chennai and Coimbatore Zone
No.121, Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.

3.The Commissioner,
Office of the Central Excise,
Central Revenue Buildings,
B.B.Kulam,
Madurai-625 007. ... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to take expedite steps to appoint the petitioner in any job for his educational qualification on compassionate ground.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates
For Respondents : Mr.K.Prabhu

ORDER

The relief sought for in the present writ petition is to direct the respondents to take expedite the steps to appoint the petitioner on compassionate ground.

2.The father of the writ petition Late Mr.G.Ilanganayagam, worked as Sepoy at Virudhunagar Division, Madurai Commissionerate and he died on 27.09.2012, while he was in service. The petitioner submitted an application seeking appointment on compassionate ground on 25.06.2013. However, the respondents passed an order on 07.11.2019 stating that due to paucity of vacancies the request of the petitioner for appointment on compassionate ground could not be acceded and accordingly, the application was disposed of. The said order has not been challenged by the writ petitioner in the present writ petition. When the application itself was disposed of in the year 2019, as on the date of filing of the present writ petition, the application submitted in the year 2013 was not pending. The subsequent application submitted after a lapse of many years cannot be considered. However, the learned counsel for the petitioner brought to the notice of this Court that the respondents filed a counter affidavit stating that the respondents would consider the case of the writ petitioner whenever the vacancies arise.

3.The learned counsel appearing for the respondents relied on para No.6 of the counter affidavit, which reads as under:

> *"6.I submit that CBIC has introduced a Scheme for Compassionate Appointment on 15.05.2019 which involves Relative Merit Points assessment on a 100-point scale of all applications. Accordingly, all the pending applications were assessed based on the 100-point scale by the Screening Committee meeting held on 23.07.2019 and 26.07.2019. Since the petitioner's score was relatively low(49), his application was not considered for appointment against the limited number of vacancies. Further, it had been decided by the Committee to dispose off all the applications not considered for appointment. The same was communicated to the applicant vide this office letter C.No.II/39/366/2019-CCA.Estt dated 07.11.2019."*

4.The learned counsel for the petitioner relied on para No.5 of the counter affidavit by stating that the Committee recommended the application of the petitioner to be taken up for consideration in the next Screening Committee against future vacancies.

5.In view of such observations made in the counter affidavit, it is for the petitioner to pursue the matter before the competent authority, if he is otherwise eligible and there is no impediment for considering the case of the writ petitioner in accordance with the scheme of compassionate appointment.

6.With the above observations, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

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+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-9473[F] dated 02/03/2022)

+1 CC to M/s.K.PRABHU, Advocate (SR-9481[F] dated 02/03/2022)

W.P.(MD)No.5350 of 2021
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RD(15.03.2022) 3P 6C