



W.P(MD)No.12374 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12374 of 2022

K.Sudhahar

... Petitioner

Vs.

The Director of Public Health and Preventive Medicine,
D.M.S.Complex,
Thenampet,
Chennai-6.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the respondent in Na.Ka.No.039176/Pa.No.1/Eru1/2021, dated 19.05.2021 and quash the same as illegal as devoid of merits and direct the respondent to consider the petitioner for compassionate appointment in any post in Group-C Service.

For Petitioner : Mr.Raja.Karthikeyan

For Respondent : Mr.A.K.Manikkam
Special Government Pleader



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ORDER

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Heard the learned counsel on either side.

2. The writ petitioner's father was employed as Sanitary Inspector in Kanyakumari District. He died in harness on 11.03.2019. The petitioner applied for employment on compassionate ground on 12.04.2021. The petitioner is possessing qualification prescribed for the post of Sanitary Inspector Grade II. The petitioner's request was rejected by the impugned order dated 19.05.2021. Challenging the same, this writ petition has been filed.

3. As rightly contended by the learned Special Government Pleader, the petitioner cannot insist that he should be appointed in any particular post. It is stated that the post of Sanitary Inspector is filled up only by the Medical Recruitment Board and that is why, the petitioner's request was rejected.

4. While I may sustain the stand of the respondents, I have to make it clear that the right of the writ petitioner under G.O.(Ms)No.18, Labour & Employment (Q1) Department, dated 23.01.2020 cannot be denied. The petitioner's father died in harness. The petitioner is a Class I legal heir. He was also a dependent. The petitioner as the son of the deceased Government servant having applied within three years is obviously entitled to be considered.



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5. Even while sustaining the impugned order, I direct the respondents to include the name of the writ petitioner in the list of the persons eligible for appointment on compassionate grounds and the petitioner will be granted appointment on compassionate grounds in any one of the Group C post when his turn comes.

6. The Writ Petition is allowed on these terms. No costs.

14.09.2022

Index : Yes / No
Internet : Yes/ No
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To

The Director of Public Health and Preventive Medicine,
D.M.S.Complex,
Thenampet,
Chennai-6.



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G.R.SWAMINATHAN, J.

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