



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD) No.8170 of 2019

and

W.M.P (MD) No.6423 of 2019

N.Ramesh

... Petitioner

vs.

1.The Director,
The Directorate of Rural Development &
Panchayat Raj Department,
Panagal Building,
Saidapet, Chennai-600 015.

2.The District Collector,
Kanyakumari District, Nagercoil.

3.The Block Development Officer,
Melpuram Panchayat Union,
Melpuram & Post, Kanyakumari District.

4.The Secretary,
Malayadi Village Panchayat,
Malayadi, Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified mandamus, to call for the records of the 2nd respondent vide Na.Ka.No.V50429/2015 dated 07.01.2016 and the order of the 1st respondent vide Na.Ka.No.30622/2016/2 dated 05.01.2017, quash the same and consequently, directing the respondents to appoint the petitioner as water supply attender in the 4th respondent panchayat.

For Petitioner : Mr.K.Vijayakumar
for Mr.C.T.Perumal
For Respondents : Mr.A.K.Manikkam
Special Government Pleader

ORDER

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

2.The petitioner states that his father viz., Nelson served as Water Supply Attender in the fourth respondent Panchayat and died on 27.01.2014, while he was in service. The petitioner himself



admitted in the affidavit that the service of his father was not regularized.

3.The learned Special Government Pleader appearing for the respondents made a submission that the father of the writ petitioner was appointed as a part-time over head tank operator on daily wage basis. In respect of the part-time employee, the scheme of compassionate appointment is not applied. The benefit of scheme is to be extended only to the legal heirs of the deceased employee, who all are regular employees.

4.In the present case, the father of the writ petitioner was a temporary daily wage part-time employee and even the service of the deceased employee was not regularised and therefore, there is no infirmity in respect of the reasons furnished in the order impugned. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS.I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

- 1.The Director,
The Directorate of Rural Development &
Panchayat Raj Department,
Panagal Building, Saidapet, Chennai-600 015.
- 2.The District Collector,
Kanyakumari District, Nagercoil.
- 3.The Block Development Officer,
Melpuram Panchayat Union,
Melpuram & Post, Kanyakumari District.
- 4.The Secretary,
Malayadi Village Panchayat,
Malayadi, Kanyakumari District.

+1 CC to M/s.C.T. PERUMAL, Advocate (SR-22488[F] dated 29/04/2022)

+1 CC to M/s.SPL.GP (SR-23254[F] dated 02/05/2022)

W.P. (MD) No.8170 of 2019

and

W.M.P (MD) No.6423 of 2019

Date:28.04.2022