



WEB COPY

W.P. (MD) No. 9538 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2022

CORAM

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No.9538 of 2019

and

W.M.P. (MD) No.7508 of 2019

G.Sriram

... Petitioner

Vs.

1.The District Collector,
Collectorate Office,
Tirunelveli.

2.The Revenue Thasildar,
Taluk Office,
Kadayanallur Taluk,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the first respondent in Letter **ந.க.எண் : 12/14823/2018** dated 27.03.2019 and quash the same and consequently direct the first respondent to provide suitable employment to the petitioner under compassionate ground.

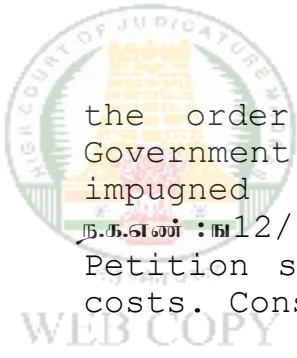
For Petitioner	: Mr.M.U.Shameem John, Advocate
For Respondents	: Mr.D.Sadiq Raja Additional Government Pleader

O R D E R

The Government Order in G.O.(Ms).No.102, Rural Development and Panchayat Raj (E6) Department dated 13.07.2015 issued for providing compassionate ground appointment to the legal heirs of the deceased. Panchayat Secretaries in Viillage Panchayats unambiguously stipulates that the Government Order shall take effect from the date of issue of order, i.e., on 13.07.2015. When the scheme of appointment itself has been issued with effect from 13.07.2015 and the order states that it will take effect prospectively from the date of issue of the order, then the said scheme cannot be implemented with retrospective effect so as to cover the death occurred prior to the issuance of Government Order.

2.In the present case, admittedly, the father of the writ petitioner died on 04.07.2014 prior to the introduction of the scheme of compassionate appointment. Therefore, the case of the petitioner cannot be considered with retrospective effect and thus,

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the order impugned is in consequence with the policy of the Government and there is no infirmity as such. Accordingly, the impugned order passed by the first respondent in **ந.க.எண் : ஈ12/14823/2018** dated 27.03.2019 stands confirmed. The Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1.The District Collector,
Collectorate Office,
Tirunelveli.

2.The Revenue Thasildar,
Taluk Office,
Kadayanallur Taluk,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-4804[F] dated 08/02/2022)

**W.P. (MD) No. 9538 of 2019
and**

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07.02.2022**

RS(21.02.2022) 2P-4C