



WEB COPY

CONT P(MD)No.1543 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:08.04.2022

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

CONT P(MD)No.1543 of 2021

and

Sub Application (MD) No.316 of 2021

in

WP(MD).No. 21292/2017

R.Boopathy Raja

... Petitioner

vs.

P.Ponnaiya,
Joint Director (Workers),
Department of School Education,
Government of Tamil Nadu,
Fort St George,
Chennai - 600 006.

... Contemnor/ 1st Respondent

PRAYER: Petition filed under under Section 11 of the Contempt of Court Act, 1971, to punish the respondent for wilfully disobeying and not complying with the order of this Court, dated 20.01.2021, in W.P.(MD)No.21292 of 2017.

Prayer in WP(MD). 21292/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records relating to the order of the 2nd respondent in Na.Ka.No. 1561/A1/2017 dated 13.06.2017 and quash the same and further direct the respondents to give the suitable post on compassionate appointment.

For Petitioner : Mr.S.Natarajan

For Respondent : Mr.S.P.Maharajan

Special Government Pleader

O R D E R

The Writ Petition in W.P.(MD)No.21292 of 2017 was filed challenging the impugned order, dated 13.06.2017, wherein, the respondents have denied the compassionate appointment application. The application was not submitted within period of limitation. After analysing the entire issue, this Court remitted back to the respondents for fresh consideration and to pass appropriate orders.

2.Now, the respondents have passed an order, dated 01.04.2022, wherein, it has been stated that the petitioner's name has been accepted for compassionate appointment and the petitioner's name is included in the seniority list for compassionate appointment. However, the learned Counsel appearing for the petitioner submitted

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that this will not amount to compliance of the order of the Court. Now, compassionate appointment has become a mode of recruitment. Even departments are maintaining a seniority list for compassionate appointment, apart from a list maintained by District Collector. The departments have allotted ratio to fill the vacancies through compassionate appointment apart from direct recruitment and recruitment through transfer.

3. Therefore, this Court is of the considered opinion that based on the guidelines issued for compassionate appointment, the respondents have added the petitioner's name in the seniority list and this is in compliance of the order of this Court.

4. Therefore, this Court is convinced that the respondents have not committed any deliberate disobedience. If the petitioner is aggrieved, the petitioner is at liberty to challenge the order, dated 01.04.2022. However, the respondents are directed to issue compassionate appointment as and when the petitioner's seniority arises for consideration.

5. Hence, the Contempt Petition is closed. No costs. Consequently, connected Sub Application is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Tmg

To

Joint Director (Workers),
Department of School Education,
Government of Tamil Nadu,
Fort St George,
Chennai - 600 006.

+1 CC to M/s.S.NATARAJAN, Advocate (SR-17736[F] dated 11/04/2022)

+1 CC to M/s.SPL.GP (SR-17882[F] dated 11/04/2022)

CONT P(MD)No.1543 of 2021
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SRR(CO)

KB(22.04.2022) 2P 4C

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