



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.24747 of 2019

R.Kathiresan

... Petitioner

vs.

1.The State of Tamil Nadu
rep.by the Secretary to the Government
Transport Department
Fort St.George
Chennai-600 009

2.The Director
The Directorate
Tamil Nadu Motor Vehicles Maintenance Department
Velachery, Chennai-600 0042

3.The Deputy Director
Government Automobile Workshop
Thiruchirapalli-620 023

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to consider the petitioner's representation dated 13.03.2019 and appoint the petitioner as a Junior Assistant under "C" Grand in the light of the G.O.Ms.No.1499, Labour and Employment (Q1) Department, dated 03.08.1989 and also in the light of the order in Writ Petition No.24504 of 2013 passed by the Madras High Court.

For Petitioner : Mr.P.Dhanasekaran

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

O R D E R

The relief sought for in this writ petition is to direct the respondents to consider the petitioner's representation and appoint him as Junior Assistant in the light of G.O.Ms.No.1499, Labour and Employment (Q1) Department, dated 03.08.1989 and also the order passed by this Court in W.P.No.24504 of 2013.

2. The petitioner was appointed as Office Assistant in the Government Automobile Workshop at Virudhunagar on 14.03.2008 on compassionate grounds due to the death of his father. Since he was appointed as Office Assistant, he made a representation to the respondents to appoint him as Junior Assistant on compassionate grounds. The representation submitted by the petitioner reveals that he is eligible for appointment to the post of Junior Assistant



and therefore, he has to be appointed as Junior Assistant.

3. This Court is of the considered opinion that as per the scheme of compassionate appointment, the legal heirs of the deceased employee cannot claim a particular post or cadre. The scheme itself contemplates that appointments are to be made only in Group-II and Group-III posts based on the availability of vacancies. The petitioner's claim for promotion to the post of Junior Assistant is to be considered only in accordance with the Promotion Rules in force. Thus, the petitioner cannot claim the post of Junior Assistant either on compassionate grounds or by way of promotion in contravention to the Rules in force. The case of the petitioner is to be considered only when the post of Junior Assistant is filled up by preparing an approved panel by considering the name of all the eligible persons, who all are fit for promotion to the post of Junior Assistant. By merely submitting a representation, the petitioner cannot file a writ petition seeking promotion to the post of Junior Assistant and such a claim is not entertainable.

4. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

1.The Secretary to the Government,
Transport Department,
State of Tamil Nadu, Fort St.George,
Chennai-600 009.

2.The Director,
The Directorate,
Tamil Nadu Motor Vehicles Maintenance Department,
Velachery, Chennai-600 0042.

3.The Deputy Director,
Government Automobile Workshop, Thiruchirapalli-620 023.

+1 CC to M/s.P. DHANASEKARAN, Advocate (SR-22162[F] dated
28/04/2022)

+1 CC to M/s.SPL. GP (SR-22950[F] dated 29/04/2022)

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