



W.P.(MD) No.27276 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.27276 of 2019
and W.M.P.(MD).No.23564 of 2019

Palanichamy

... Petitioner

Vs.

1.The State of Tamil Nadu represented by its
Principal Secretary,
Adi Dravidar Welfare Department,
Secretariat,
Fort St. George,
Chennai – 600 009.

2.The District Collector and District Magistrate,
Madurai District.

3.The Deputy Collector/Welfare Officer,
District Adi Dravidar and Tribal Welfare Officer,
Madurai District.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records connected with the impugned Communication in Na.Ka.No.45751/2017/Athi6, issued by the respondent No.3, dated 08.11.2019 and quash the same as illegal,



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consequently, to direct the respondents to provide employment to the petitioner on the basis of the G.O.(Ms.).No.55, Adi Dravidar and Tribal welfare (PA2) Department, dated 28 August 2017, Melur Taluk, Madurai District, within the time stipulated by this Court.

For Petitioner : Ms.S.Latha

For Respondents : Mr.A.Sivanu Pandian
Government Advocate

ORDER

The petitioner herein belongs to the scheduled caste community. His father was murdered and in connection with the offence, a criminal case was registered against the concerned accused for various offences including the offences under Sections 3(1)(x) and 3(2)(v) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2.Rule 12(4) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995, provides for relief in cash and kind to the victims of atrocity, their family members and dependents, as per the Annexures to the Schedule of the Rules. Class 46 of Annexure – 1 of the Schedule reads as follows:



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Schedule
Annexure I

Sl.No.	Name of the Offence	Minimum amount of Relief
46.	Additional relief to victims of murder, death, massacre, rape, gang rape, permanent incapacitation and dacoity.	In addition to relief amounts paid under above items, relief may be arranged within three months of date of atrocity as follows:- (i) Basic Pension to the widow or other dependents o deceased persons belonging to a Scheduled Caste or a Scheduled Tribe amounting to five thousand rupees per month, as applicable to a Government servant of the concerned State Government or Union territory Administration, with admissible dearness allowance and employment to one member of the family of the deceased, and provision of agricultural land, an house, if necessary by outright purchase; (ii) Full cost of the education up to graduation level and maintenance of the children of the victims. Children may be admitted to Ashram schools or residential schools, fully funded by the Government; (iii) Provision of utensils, rice, wheat, dals, pulses, etc., for a period of three months.

3.It is not disputed by the respondents that the petitioner's father, who belongs to a Scheduled Caste community, was murdered and that the petitioner herein is his son. While that be so, the petitioner would be entitled for employment, being a member of the family of the deceased, in accordance with the aforesaid provision. The second respondent herein in his impugned



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order, dated 18.11.2019, had rejected the petitioner's claim without proper appraisal of the aforesaid Rules and hence, the same is challenged in the present writ petition.

4.The learned Standing Counsel circulated a communication received from the respondent, in ந.க.எண்.4575/2017/ஆதி6, dated 01.08.2022, whereby, it is stated that as per the proceedings of the Commissioner of Adi Dravidar Welfare, dated 02.04.2022, recommendations have been made for affording employment to the petitioner herein and accordingly, his application, dated 04.09.2017 is placed in the waiting list for issuance of appointment orders. In normal circumstances, this Court would have directed the respondents to adhere to the waiting list and issue appointment orders. However, in the instant case, even though the petitioner was entitled for employment under the Act, the respondents have denied such a benefit for all these years. Furthermore, the present impugned order, dated 08.11.2019, has been passed in violation of the Act and Rules. In this background, if the claim of the petitioner is subjected to further delay, by putting him under the waiting list as indicated by the respondent, serious prejudice could be caused to him.



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5. In this background, the impugned Communication in Na.Ka.No. 45751/2017/Athi6, issued by the respondent No.3, dated 08.11.2019, is quashed. Consequently, there shall be a direction to the second respondent herein to forthwith pass orders, granting employment to the petitioner herein in any of the Government Departments without subjecting him to the waiting list, within a period of twelve weeks from the date of receipt of the copy of this order.

6. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

02.08.2022

Index : Yes / No
Speaking Order/ Non Speaking Order

TM

To

1. The Principal Secretary, Adi Dravidar Welfare Department,
Secretariat, Fort St. George, Chennai – 600 009.
2. The District Collector and District Magistrate, Madurai District.
3. The Deputy Collector/Welfare Officer,
District Adi Dravidar and Tribal Welfare Officer,
Madurai District.

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M.S.RAMESH,J.

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