



W.P.No.16811 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.16811 of 2015

K.Dinesh

... Petitioner

Vs.

1.The General Manager,
Tamilnadu Civil Supplies Corporation Limited,
No.12, Thambusamy Road,
Kilpauk, Chennai 600 010

2.The Senior Regional Manager,
Tamilnadu Civil Supplies Corporation Limited,
Tanjore Region,
Tanjore

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records relating to the order passed by the second respondent in Na.Ka.No.A9/10514/2012 dated 14.11.2014 and quash the same and consequently direct the respondents to consider the petitioner for appointment to any suitable post on compassionate basis.

For Petitioner : Mr.Purujit Narayanan
for Mr.V.Chandrasekaran

For Respondents

For R1 : Mr.S.Senthilkumar,
Standing Counsel

For R2 : No appearance



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ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 14.11.2014, thereby rejected the request made by the petitioner to appoint him on compassionate basis.

2. The case of the petitioner is that his father had joined in the service as Writer on 21.12.1984. Thereafter, by GO.Ms.No.389 CP, F&CP Department dated 20.08.2002, the provisional list of non-graduate and graduate from among the Seasonal Helpers/ Bill Clerks for appointment to the post of Bill Clerk was drawn and published. In pursuant to the same, the father of the petitioner was appointed on time scale in the post of Bill Clerk. Subsequently, he was promoted to the post of Junior Quality Inspector. Unfortunately, he died on 14.07.2012 while he was in service. The petitioner is one of his legal heirs and applied for employment on compassionate ground. It was rejected on the ground that the deceased was working in quality control and he had to fulfil the following requirements to complete his probation:



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1. The employee should have worked in same status from the date of joining for a continuous period of 2 years out of 3 years from the date of joining.

2. The employee should have passed the departmental test (DOM) conducted by Tamil Nadu Public Service Commission.

3. The employee should have passed the Pro Efficiency Test conducted for the personal working in Quality Control by the Head Office.

However, the father of the petitioner did not comply with the second condition and that his probation could not be declared.

3. The learned counsel for the petitioner would submit that his father was in continuous service from 1984 and he died only on 14.07.2012, when he was holding a permanent post. Therefore, the petitioner is entitled to appointment on compassionate ground.

4. Heard, the learned counsel appearing on either side.

5. On perusal of the counter filed by the second respondent,



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revealed that his father was appointed as Bill Clerk on 07.01.2009 and thereafter, he was appointed to the post of Junior Quality Inspector from 28.01.2009 to 14.07.2012. During the period of his service, since he had not passed the District Office Manual test, probation was not declared. Therefore the petitioner is not eligible to be appointed on compassionate ground and the request made by the petitioner was rightly rejected. As such, this Court find no infirmity or illegality in the order passed by the second respondent.

6. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

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Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

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Kilpauk, Chennai 600 010
- 2.The Senior Regional Manager,
Tamilnadu Civil Supplies Corporation Limited,
Tanjore Region,
Tanjore
- 3.The Government Advocate,
High Court, Madras.

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