



W.P No. 21588 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2023

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P No. 21588 of 2019

S.Arun Kumar

... Petitioner

-Vs-

1. The State of Tamilnadu
Rep. by the Chief Secretary
Department of Revenue
Disaster Management Department,
Chepauk, Chennai – 600 005.
2. The Secretary
Tamilnadu Public Service Commission
Frazer Bridge Road,
VOC Nagar, Park Town,
Chennai.
3. The District Collector,
Thiruvannamalai District.
4. The Tahsildhar
Vandavasi Taluk
Thiruvannamalai District.

... Respondents



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PRAYER: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the first respondent to consider the third respondent's letter No. A3/18359/007 dated 18.11.2015 to get opinion from the second respondent for regularise the petitioner's post as Junior Assistant to extend the benefit of G.O.(MS).No. 1499 (Labour and Employment Department) dated 03.08.1989 to the petitioner.

For Petitioner : Mr. M.R.Jothimanian

For Respondents : Mr. T.K.Saravanan
Government Advocate

ORDER

The Writ Petition has been filed in the nature of Mandamus seeking a direction to the first respondent to consider the third respondent's letter No. A3/18359/007 dated 18.11.2015 and get opinion from the second respondent to regularise the post of the petitioner as Junior Assistant and to extend the benefit of G.O.(MS).No. 1499 (Labour and Employment Department) dated 03.08.1989.



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2. What was stated would be a little complicated, but the issue is that the father of the petitioner Selvam was working as Village Assistant in Irubuli Village, Vandavasi Taluk, Thiruvannamalai District. He died while in service on 31.03.1999. The mother of the petitioner Mrs. Kumari made an application to the third respondent / the District Collector, Thiruvannamalai District on 31.03.1999 requesting appointment of the petitioner on compassionate grounds. The petitioner was a minor at that time but his mother was quite wise and made the application within three years from the date of death of the father of the petitioner.

3. The petitioner continued his studies and he completed 10th standard and thereafter, in continuance of the earlier applications, the petitioner had been repeatedly making representations seeking employment on compassionate grounds. He had given representations on 20.02.2006, 17.06.2006, 19.04.2010, 10.01.2011 and 01.04.2015. Naturally with such number of applications being forwarded by the petitioner herein, there was a turn in the mind of the respondents and they came forward to provide him



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with employment. But the petitioner was still not satisfied since he was not offered the employment of junior assistant to which, according to the learned counsel, since the petitioner had completed 10th standard, he was entitled to but rather they appointed him as Village Assistant at Irubuli Village in Thiruvannamalai District.

4. The petitioner's passion to write representations once again continued and he started to write representations claiming that he should be appointed as junior assistant and not as Village Assistant. The learned counsel for the petitioner placed reliance on G.O.Ms.No. 1499, Labour and Employment Department, dated 03.08.1989.

5. On the side of the respondents, it is contended that on the date of death of the father of the petitioner, the petitioner was studying in the 6th standard and that the qualification of the petitioner should be examined and there the petitioner can not be appointed as junior assistant.



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6. Let me not enter into a discussion of these facts but place an obligation on the third respondent / the District Collector, Thiruvannamalai District, to first examine the scope and object of G.O.Ms.No. 1499, Labour and Employment Department, dated 03.08.1989 and thereafter also examine the representation given by the petitioner and the educational qualification of the petitioner and then take a considered decision. If qualifications are required, the third respondent may issue notice to the petitioner herein and seek his views and thereafter, pass necessary orders at any rate, within a period of 12 weeks from the date of receipt of a copy of this order.

7. The District Collector, Thiruvannamalai District, may also examine the scope of G.O.Ms.No. 143 dated 11.11.1998 which stipulates that concurrence of TNPSC is required and, at any rate take a considered decision within the stipulated time. There must be adherence to the time frame. Otherwise another contempt application will be naturally filed.



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8. Accordingly, the Writ Petition stands disposed of. No costs.

vsg

12.09.2023

Index: Yes/No

Neutral Citation: Yes/No

To

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C.V.KARTHIKEYAN,J.

vsg

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