



WEB COPY



W.P.No.27919 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

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

W.P.No.27919 of 2014
and M.P.No.1 of 2014

S.Vijayakumar

... Petitioner

-Vs-

1. The Secretary to Government,
Home Department, Secretariat,
Fort. St.George, Chennai.

2. The District Superintendent of Police,
Office of the District Superintendent,
Vellore, Vellore District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for records relating to Na.Ka.No.A2(2)/21262/2012 dated 10.08.2013 on the file of the second respondent and quash the same as illegal and consequently direct the respondents to provide suitable employment to the petitioner based on his qualification on compassionate ground.

For Petitioner : No appearance
For Respondents : Mr.T.M.Rajangam,
Government Advocate.



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ORDER

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This Writ Petition has been filed challenging the order passed by the second respondent dated 10.08.2013, thereby rejected the request made by the petitioner to appoint him on compassionate ground.

2. Heard the learned counsel for the respondents. There is no representation on behalf of the petitioner, hence, this Court is inclined to pass order on merits.

3. The brother of the petitioner was working as a Constable Grade-I in the Vaniyambadi Police Station, Traffic Wing. He died as a Bachelor, while he was in service. The petitioner is his brother and aged parents are the dependents of the deceased employee. Therefore, the petitioner submitted an application for his appointment on compassionate ground in the suitable post.

4. Admittedly, the petitioner is the younger brother of the deceased employee. On verification, it was found that his elder sister is working as a Noon Meal organizer in Middle School at Poorikamanitta Panchayat Union and she is unmarried. As per G.O.Ms.998, Labour and Employment Department, dated 02.05.1981, if there is already an earning member in the family of the



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Government Servant who died in harness, the other dependents of the deceased

Government servant will not be eligible for the concession of appointment in Government Departments and Government undertakings without reference to Employment Exchange.

5. Therefore, the second respondent had rightly rejected the request made by the petitioner and this Court finds no infirmity or illegality in the order passed by the second respondent in Na.Ka.No.A2(2)/21262/2012 dated 10.08.2013 and this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition is dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

10.08.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

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G.K.ILANTHIRAIYAN, J.

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To

1. The Secretary to Government,
Home Department, Secretariat,
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2. The District Superintendent of Police,
Office of the District Superintendent,
Vellore, Vellore District.

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