



Rev.Appl.Nos.69 & 70 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

**Review Application Nos.69 & 70 of 2022**

- 1.The Secretary to the Government of Tamil Nadu,  
The Municipal Administration and  
Water Supply Department,  
Fort St.George, Chennai – 600009.
- 2.The Director of Town Panchayat,  
Chepauk, Chennai – 600005.
- 3.The District Collector,  
Dharmapuri District,  
Dharmapuri.
- 4.The Assistant Director of Town Panchayats,  
O/o. The Assistant Director of Town Panchayats,  
Dharmapuri, Dharmapuri District.
- 5.The Executive Officer,  
B.Mallapuram Town Panchayat,  
Boomidi Post, Pappireddipatti Taluk,  
Dharmapuri District – 635301.

...Petitioners in both Rev.appl

Vs.



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M.Jayabal

...Respondent in Rev.Appl.No.69 of 2022

S.Veeramani

...1<sup>st</sup> Respondent in Rev.Appl.No.70 of 2022

P.Santhosh Kumar

...2<sup>nd</sup> Respondent in Rev.Appl.No.70 of 2022

Common Prayer: Review applications filed under Order 47 Rule 1 r/w. 114 of C.P.C., against the order dated 03.07.2018 made in W.A.Nos.778 & 779 of 2017.

For Petitioner in both petitions : Mr.Haja Nazrudeen  
Advocate General assisted by  
Meera Arumugam  
Special Government Pleader

For Respondents in both  
petitions : Mr.M.Purushothaman

### **COMMON ORDER**

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

These two review petitionss has been filed by the Government,  
seeking review of the judgment in W.A.Nos.778 & 779 of 2017.



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2.The facts that are necessary for disposal of the review petitions are as follows:-

The respondents in the Writ Appeals were appointed on compassionate ground as Sweepers on 24.01.2007 and 06.09.2012 respectively. After their appointment, they represented to the Government to appoint them as Junior Assistants pursuant to G.O.Ms.No.1499 dated 03.08.1989 and G.O.Ms.No.206 dated 02.11.1995.

3.The said claim was resisted by the Government primarily on the ground only dependents of persons, who had worked as Record Clerks, Office Assistants, Night Watchman can be considered for compassionate appointment as Junior Assistants and not dependents of persons, who were working in non-provincialised post. This claim was rejected by the Writ Court and the Writ Court directed the respondents to be appointed as Junior Assistants. Aggrieved, the Government came up on appeal.



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4.The appeals were disposed of on 03.07.2018, affirming the judgment of the Writ Court. The Government is on review primarily on the ground that two relevant Government Orders namely, G.O.Ms.No.150 and G.O.Ms.No.154 were not brought to the notice of the Division Bench when it disposed of W.A.Nos.778 & 779 of 2017. We could have dismissed the review petitions without going into the merits, since admittedly, these two Government Orders were not placed before the Division Bench when it disposed of the Writ Appeals.

5.However, we have also examined the relevant Government Orders, which have been placed before us now. G.O.Ms.No.150 is a general Government Order, which deals with transfer of persons, who were appointed at a lower post. That arose because of the Government deciding to provincialize the post of Junior Assistant, Bill Collector and Typist working in Town Panchayats. So the said Government Order is not applicable to the case on hand. The other Government Order which is sought to be relied upon is G.O.Ms.No.154 dated 19.09.2006, which provides for reservation of 25% to be filled up by direct recruitment for



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compassionate appointments. The said Government Order also cannot have a bearing on the issue as to whether the petitioners would be entitled to the benefit of G.O.Ms.No.1499 or not.

6.G.O.Ms.No.1499 dated 03.08.1989 is clear in its terms, which provides that a dependent, who is appointed to a lower post like Record Clerk, Office Assistant and Sweeper on compassionate ground but possess the qualification required for the Junior Assistant at the time of the initial appointment to a lower post may be appointed as Junior Assistant / Typist. It is also stated therein that the appointing authorities under no circumstances appoint a dependent to lower a post when the dependent possess the qualifications required to the post of Junior Assistant/Typist.

7.We are therefore, clear that the two Government Orders, which are now sought to be relied upon by the learned Additional Advocate General do not advance the case of the Review Petitioners. One another ground, which is sought to be urged is that permission of the Tamil Nadu Public Service Commission should be obtained. Relevant Government



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Order is G.O.Ms.No.206 dated 02.11.1995, which provides that appointing authority should seek approval of the Tamil Nadu Public Service Commission after making appointment therefore, it is not a pre-condition for appointment. Hence, we see no ground to entertain the Review Petitions. These Review Petitions stand dismissed.

(R.S.M.,J.) (S.S.K.,J.)  
31.01.2023

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order



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**and**  
**SATHI KUMAR SUKUMARA KURUP, J.**

KKN

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