



WEB COPY



Writ Petition No.30018 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

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THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition No.30018 of 2023

G.Chinnadurai
S/o.Gopalakrishnan

... Petitioner

Vs.

1. The Government of Tamil Nadu
Rep. by its Secretary
Social Welfare & Nutritious Meal Programme Department
Fort St.George, Chennai-600 009.
2. The Social Welfare Commissioner
Social Welfare & Nutritious Meal Programme Department
2nd Floor, Saidapet, Chennai-600 015.
3. The District Collector
Cuddalore, Cuddalore District.
4. The Block Development Officer
Virudhachalam Panchayat Union
Virudhachalam, Cuddalore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India



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praying to issue a Writ of Mandamus to direct the 3rd respondent to appoint the petitioner under compassionate ground appointment in the post of Puratchi Thalaivar MGR Nutritious Meal Programme Centre Organizer or suitable post.

For Petitioner : Mrs.P.Uma

For Respondents : Mrs.V.Yamuda Devi
Special Government Pleader
for respondents 1 to 3
Mr.K.Kishore
Government Advocate for R4

ORDER

This Writ Petition has been filed seeking for a mandamus to direct the 3rd respondent to appoint the petitioner on compassionate ground in the post of Puratchi Thalaivar MGR Nutritious Meal Programme Centre Organizer.

2. Mrs.V.Yamuna Devi, learned Special Government Pleader accepts notice for respondents 1 to 3. Mr.K.Kishore, learned Government Advocate accepts notice for fourth respondent. By consent of both sides, the main



writ petition is taken up for final disposal at the admission stage itself.

3. The case of the writ petitioner is that the petitioner's father Mr.V.Gopalakrishnan was working as Puratchi Thalaivar MGR Nutritious Meal Programme Centre incharge, Thottikuppam Panchayat Union Elementary School, Virudhachalam Taluk, Cuddalore District. While the petitioner's father was working, he died on 05.04.2014. Since the petitioner's father was a Government Servant at the time of his death, one of the legal heirs became eligible for appointment on compassionate ground. Hence, the petitioner sent a representation dated 30.01.2015 seeking for appointment of Nutritious Meal Programme Center Incharge on compassionate ground with necessary documents namely, Death Certificate, Legal heirship Certificate, Non-remarriage Certificate of petitioner's mother, Nativity Certificate, Community Certificate, Income Certificate, Poverty Certificate, Integrated Certificate for Compassionate Appointment, Educational Certificates, Family Card, Aadhar Card. However, no action has been taken. Again, the writ petitioner submitted representations on



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03.09.2018, 27.05.2019 and 15.02.2021 to third respondent but till date no action has been taken. Hence, the present writ petition has been presented in this Court on 09.10.2023.

4. Learned Special Government Pleader for respondents 1 to 3 submits that as per G.O.(Ms.)No.48 of 2021 dated 18.08.2021, only female member of the family can be considered for the post of Puratchi Thalaivar MGR Nutritious Meal Programme Centre incharge and hence, the writ petitioner cannot be considered for appointment on compassionate ground in the said post.

5. In response to the above, learned counsel for petitioner submitted as per G.O.(Ms.)No.48 of 2021 dated 18.08.2021, only female member of the family can be considered for appointment on compassionate ground, however, the aforementioned G.O. has been passed in the year 2021 but his father died in the year 2014 which is prior to the date of the said G.O. Hence, the said G.O. is not applicable to the case on hand and appointment



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can be given to the writ petitioner. Learned counsel for petitioner further submitted that in respect of the very same issue, the Dharmapuri District Collector has waived the same rule on compassionate ground and had appointed one Yogaraj by following the directions given by this Court vide order dated 24.02.2020 in W.P.No.4031 of 2020.

6. Learned counsel for the petitioner submitted that the petitioner's grievance would be redressed if a direction is given to the respondents to consider and pass appropriate orders on his representations.

7. Heard the learned counsel for the petitioner, learned Special Government Pleader for the respondents 1 to 3 and Mr.K.Kishore, learned Government Advocate for fourth respondent and perused the records.

8. In view of the above, this Court directs the third respondent herein to consider the petitioner's representation for compassionate appointment for the post of Puratchi Thalaivar MGR Nutritious Meal Programme Centre



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incharge on merits and in accordance with law and pass appropriate orders on the same within a period of twelve weeks from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction. There shall be no order as to costs.

17.10.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No

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