



W.P.No.15426 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **05.06.2024**

CORAM

THE HONOURABLE Ms. JUSTICE **P.T.ASHA**

W.P.No.15426 of 2016

R.Sanjai

... Petitioner

-VS-

1.The Secretary,
Adi Dravidar Welfare and Tribal Department,
Chepauk, Chennai – 600 005.

2.The Director,
Adi Dravidar Welfare and Tribal Department,
Chepauk, Chennai – 600 005.

3.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

4.The District Adi Dravidar Welfare and Tribal Officer,
Tiruvannamalai District,
Tiruvannamalai.

5.The Principal,
G.T.R.High School,
Nambiampattu,
Tiruvannamalai District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of transfer passed by the 4th respondent in and by his proceedings bearing Na.Ka.KO2/56527/2008 dated 29.12.2015 and quash the same.

For petitioner	: Mr.K.Balasubramaniam
For R1 to R4	: Mr.Alagu Goutham, Government Advocate
For R5	: No appearance

ORDER

The above writ petition is filed seeking for a certiorarified mandamus to quash the order of transfer dated 29.12.2015 passed by the fourth respondent. However, from a reading of the facts given in the affidavit, it appears that the petitioner is aggrieved by the rejection of his request for compassionate appointment.

2. It is the case of the petitioner that his father was working as Assistant Teacher in the fifth respondent school. On 15.12.2002, his father died in harness in the school premises itself and on the



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date of his death, he had completed 13 years of service with the fifth respondent school. The petitioner would submit that besides himself, his father had left behind him, surviving his wife (the petitioner's mother) and his daughters (the petitioner's sisters) viz., Nithya and Divya.

3. The petitioner would, therefore, submit that since he had studied upto SSLC and on account of the sudden demise of his father, he approached the fourth respondent seeking compassionate appointment by submitting a representation dated 09.07.2003 routed through the fifth respondent. Though the representation was sent in the year 2003, it was only in the year 2010 that the fourth respondent had forwarded the letter for consideration of the second respondent. Despite repeated requests, the respondents had not responded to the petitioner's request. Since there was no response to his earlier representation, the petitioner had renewed the same on 19.12.2014 by submitting another representation seeking a direction



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to the first respondent to consider him for compassionate appointment. Once again, since there was no response, the petitioner was constrained to file a writ petition in W.P.No.18580 of 2015 on the file of this Court and by an order dated 26.06.2015, this Court had directed the fourth respondent to dispose of the petitioner's representation dated 19.12.2014 on merits.

4. The fourth respondent, thereafter, by his proceedings dated 29.12.2015, rejected the petitioner's request stating that he should have made an application for compassionate appointment within a period of three years from the date of death of the person in harness.

5. The petitioner would submit that the respondents had ignored his earlier representation dated 09.07.2003. Therefore, the petitioner had approached this Court.



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6. Heard the learned counsel on either side and perused the materials available on record.

7. A reading of the impugned order would indicate that though the petitioner claims that he had given a representation for compassionate appointment on 09.07.2003 and routed the same through the fifth respondent to the fourth respondent, such an application had not been received by the respondents.

8. Thereafter, it appears that the second representation was made by the petitioner on 30.10.2008 without appending any documents to show the indigent circumstances and necessity for compassionate appointment. The petitioner had stated that the documents would be subsequently handed over to the respondents which was not done. Once again, the petitioner had sent a representation on 19.12.2014 which was filed much beyond the period of three years from the date of death of the person in harness



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and it has been filed suppressing the earlier application for compassionate appointment which has been made in the year 2008 six years prior to this representation.

9. Considering the fact that the application has not been made within 3 years of the death of the petitioner's father, the order of rejection is correct and the petitioner has not made out any case for reconsidering the impugned order.

Accordingly, this writ petition is dismissed. No costs.

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Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
ssa

To

1. Secretary,
Adi Dravidar Welfare and Tribal Department,
Chepauk, Chennai – 600 005.



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P.T.ASHA, J.,

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