



W.P.No.29744 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2024

CORAM:

THE HONOURABLE MRS. JUSTICE R.KALAIMATHI

W.P.No.29744 of 2012

V.Prasad Karunakaran ... Petitioner

Vs.

1. The Government of Tamil Nadu
rep.by the Secretary to the Government,
Health and Family Welfare Department,
Fort St.George, Chennai-600 009.
2. The Director of Medical Education,
Chennai-600 005.
3. The Dean,
Rajiv Gandhi Government General Hospital,
Chennai-600 003. ... Respondents

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 relating to the impugned order of the third respondent in Na.Ka.No.08042/Ni.4(1)/2012 dated .05.2012 and quash the same and direct the respondents to appoint the petitioner in any suitable post commensurate with his qualification.

For Petitioner : Mr.P.Rajendran

For Respondents : Mr.E.Sundaram
Government Advocate



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ORDER

The order of the 3rd respondent in Na.Ka.No.08042/Ni.4(1)/2012 dated .05.2012 is under challenge.

2. Mr.V.Prasad Karunakaran, S/o.Vedamanickam, submits that his mother Tmt.Rose Mary was working as Hospital Servant at the Government General Hospital, Chennai, died on 26.08.1989 while she was in service leaving behind her husband, two sons and two daughters inclusive of the petitioner who is the last son of the deceased Rose Mary. Immediately after the death of his mother, he submitted an application to the Dean of Government General Hospital, Chennai for appointment on compassionate ground in a suitable vacancy. His application stood rejected on 23.09.1993 stating that his brother Mr.Johnson Santhakumar was working as Malaria worker at the Corporation of Chennai. The petitioner would further submit that his brother has already married and living separately and did not receive any support from him. As his family is in indigent circumstances, he submitted his representation on 18.03.1994 requesting to reconsider his matter.



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3. Upon the order of this Court, his representation was rejected stating that the representation for appointment of compassionate ground was received after the stipulated time by order dated 01.06.2012.

4. Heard Mr.P.Rajendran, learned counsel for the petitioner and Mr.E.Sundaram, learned Government Advocate appearing for the respondents.

5. It appears that the mother of the petitioner Rose Mary was working as Hospital Servant in the Government General Hospital, Chennai, on 26.08.1989 while she was in service died. Therefore, as per rules one of the legal representatives is entitled to be absorbed in service on compassionate grounds. The rule position is that within three years from the date of death, the application should have been given and no member of the family shall be in regular employment either in the Government or in a private enterprise.

6. It appears that thereafter, he presented a fresh requisition dated 28.03.2012 was rejected as time barred one. The prime reason for rejection of his application was received after a period of three years from



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the date of death of his mother and his elder brother is employed in the Corporation of Chennai as Malaria Worker. Therefore, viewed in any angle, the petitioner is not entitled for consideration as mentioned supra.

7. Therefore, this writ petition stands dismissed as devoid of merits. No costs.

11.06.2024

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To

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Fort St.George, Chennai-600 009.
2. The Director of Medical Education,
Chennai-600 005.
3. The Dean,
Rajiv Gandhi Government General Hospital,
Chennai-600 003.

R.KALAIMATHI, J.,

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