



W.P.No.8049 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.8049 of 2021

K.Balaji

... Petitioner

/vs/

1. Ariyalur Cement Works,
Kallakurichi Road,
Ariyalur,
Tamil Nadu – 621 729.

2. General Manager,
Ariyalur Cement Works,
Kallakurichi Road,
Ariyalur,
Tamil Nadu – 621 729.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the second respondent to appoint the petitioner on compassionate grounds at the earliest.



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For Petitioner ... Mr.Sunnysheen
for Ms.V.Srimathi

For Respondents ... Mr.S.Janani
for Mr.A.Sivaji for R1 and R2

ORDER

Heard Mr.Sunnysheen, the learned counsel for the petitioner,
Ms.S.Janani, the learned counsel for R1 and R2.

2. The petitioner has filed this Writ Petition seeking a writ of mandamus directing the second respondent to appoint him on compassionate grounds.

3. The petitioner's father who was an employee of the first respondent died on 17.06.1997 while he was in service leaving behind his wife and two children. Immediately after the death of father, the mother of the petitioner had filed an application seeking job in the first respondent company on compassionate grounds. However, a fresh application has been filed subsequently as the petitioner had attained majority in the year 2002.



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4. The only grievance of the petitioner is that despite his application is pending from the year 2002, so far he was not given with any appointment. It is learnt that the petitioner's application is under consideration of the first respondent. It is also learnt from the communication of the first respondent dated 14.03.2012 that the petitioner stands in 43rd position in the seniority list.

5. Even in the counter, the first respondent did not deny the appointment to the petitioner on compassionate ground. The only submission made by the respondents is that since the petitioner has to wait until his turn comes and the persons who are already waiting for compassionate appointment cannot be overlooked.

6. However, the counter does not say about the position of the petitioner in the seniority list as on today. The petitioner is placed in No.43 in the seniority list as on 14.03.2012. As of now, eleven years have lapsed and in all fairness, the petitioner's seniority should have moved further. However, taking into account of the fact that the respondents did not deny



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the compassionate appointment to the petitioner but it is only a matter of time, I feel suitable direction should be given to the respondent fitting to the submissions made by the respective counsels.

7. In view of the above submissions, the writ petition is disposed by directing the respondents to re-check the seniority of the petitioner in compassionate ground scheme and release the appointment order as soon as the petitioner's turn comes without any further administrative delay in this regard. It is up to the petitioner to give representation to the respondents and get information as to the position of his seniority. No costs.

08.03.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
bkn



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To:
WEB COPY

The General Manager,
Ariyalur Cement Works,
Kallakurichi Road,
Ariyalur,
Tamil Nadu – 621 729.



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R.N.MANJULA ,J.

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