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W.P.No.12640 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No. 12640 of 2018

C. Radhakrishnan

... Petitioner

Vs.

The Commissioner,
Bhavani Municipality,
Bhavani,
Erode District.

... Respondent

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the respondent passed in Na.Ka.No.019/2018/C1 dated 14.02.2018, quash the same and direct the respondent to provide suitable employment to the petitioner on compassionate ground.

For Petitioner : Mr. S. Doraisamy

For Respondent : No Appearance

ORDER

Heard the learned counsel for the petitioner. There is no representation on behalf of the respondent. No counter affidavit has been filed by the respondent.

2. Carefully perused the materials available on record.



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3. The case of the petitioner is that, the petitioner belongs to Scheduled Caste Community. His father one Chellavel was working as a Driver in the respondent Municipality, died in harness on 27.01.2007, at the age of 40 years, leaving behind his wife and three sons. The mother of the petitioner has been working as a Scavenger in the respondent-Municipality. The salary is very meager and could not meet the requirement for proper livelihood. After the death of the breadwinner of the family, the petitioner's family was in an indigent condition. The petitioner studied SSLC but he failed. The petitioner made several applications to the respondent to provide an appointment under the compassionate ground considering indigent condition of the family. The respondent in its letter dated 17.12.2017 directed the petitioner to approach employment exchange. The petitioner submitted an application to the Chief Minister's Cell on 02.01.2018, which was forwarded to the respondent for passing proper orders.

4. The grievance of the petitioner is that the respondent without considering the indigent condition of the petitioner's family, rejected his application in proceedings in Na.Ka.No.019/2018/C1, dated 14.02.2018, on the ground that the mother of the petitioner is a Government employee, already working in the respondent-Municipality. Aggrieved by the proceedings dated 14.02.2018 of the respondent, the petitioner is constrained to file this writ petition.



5.

On careful perusal of the order impugned in this writ petition, it appears that the mother of the petitioner is working as Sanitary worker in the respondent-Municipality. Since the petitioner's mother is under Government Job, it is informed to the petitioner by the respondent that they will not provide employment on compassionate ground.

6.

As per the policy of the State Government on compassionate ground, if there is already an earning member in the family of the Government Servant, who died in harness, the other dependents may not be entitled to compassionate appointment. However, if any family member even before the death of the Government Servant was living separately, without extending any support to the family, one of the other eligible dependents will be considered. In the order dated 28.03.2022, in W.A.No.599 of 2022, relied by the learned counsel for the petitioner, at paragraph No.5, the same thing is recorded. However, in our considered opinion, this order is no way helpful to the petitioner, in view of the fact that, facts stated in that case and in the present case are different. As such, this order is not applicable.

7.

Admittedly, in the present case, the mother of the petitioner is working as Sanitary Worker in the respondent- Municipality on permanent basis and as such, in our view, interference into the order passed by the respondent on 14.02.2018 rejecting the claim of the petitioner is unwarranted.



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8. Accordingly, this Writ Petition is dismissed. No costs.

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Index :Yes/No

Neutral Citation :Yes/No

AT

To
The Commissioner,
Bhavani Municipality,
Bhavani,
Erode District.



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BATTU DEVANAND, J.

AT

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