



W.P.No.15673 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.15673 of 2024

K. Shanthi

... Petitioner

Vs

1. The Director
Directorate of Adi Dravidar and
Tribal Welfare,
Chepauk,
Chennai 600 005.
 2. The District Adi Dravidar Welfare Officer
Namakkal,
Namakkal District.
 3. The Special Tahsildar,
Adi Dravidar and Tribal Welfare,
Namakkal.
 4. The Project Officer,
Tribal Welfare,
Kollimalai,
Namakkal District.
- Respondents

...



W.P.No.15673 of 2024

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus directing the respondents herein to consider the petitioner's representation dated 16.08.2021 seeking for employment on compassionate ground in the event of the death of the petitioner's father Late.Kandhan within the time frame as may be fixed by this Court.

For Petitioner : Mr.R.Senthil

For Respondents : Mr.C.Jayaprakash
Government Advocate

ORDER

This writ petition is filed for issuance of a mandamus directing the respondents herein to consider the petitioner's representation dated 16.08.2021 seeking for employment on compassionate ground in the event of the death of the petitioner's father Late.Kandhan within the time frame as may be fixed by this Court.

2. The case of the petitioner is that the petitioner's father was appointed as Assistant Cook on 01.10.1984 and was regularised in service



W.P.No.15673 of 2024

WEB COPY

with effect from 30.09.1986. While so, the petitioner's father died in harness while in service on 11.10.2011. Within a period of three years an application was duly made for compassionate appointment to the petitioner's elder brother namely one Dhanabal by application dated 06.05.2014. Even though the petitioner's family was in an immediate penury, the respondents kept the application pending. The petitioner's elder brother Dhanabal died on 02.08.2016. However, without taking notice of the same, the respondents passed an order on 03.01.2019 granting No objection for grant of compassionate appointment to the petitioner's brother. However, immediately the petitioner's family intimated that the petitioner's brother Dhanabal died and an application was made on 09.01.2020 for grant of compassionate appointment to the next younger brother of the petitioner namely Madesh. When the said matter was pending consideration by the respondents, unfortunately the said younger brother Madesh also died on 15.06.2021. It is in this context an application for compassionate appointment was made claiming compassionate appointment for the petitioner on 16.08.2021.



W.P.No.15673 of 2024

WEB COPY

3. Heard both side and perused the materials available on record.

4. Though it can be contended that even with reference to requesting for alternative compassionate appointment, the same should be made within a reasonable time, in this case when the petitioner's elder brother Dhanbal died in the year 2016, the petitioner's family did not approach the respondents immediately by substituting in respect of Madesh, still considering the extraordinary circumstances that the family has witnessed three deaths one after the other and considering the provision that as per Rule 9 (2) of the scheme of the respondents, an alternative application can be made in the case of the death and in deserving cases there is also provision even to relax the other essential requisites of the scheme, it is for the respondents to consider the petitioner's application which is now made on 16.08.2021. Since no orders have been passed by the respondents with reference to the application dated 16.08.2021, this writ petition is disposed of on the following terms:-



W.P.No.15673 of 2024

WEB COPY

(i) The respondents are directed to consider the application of the petitioner dated 16.08.2021 followed by subsequent reminders for providing appointment on compassionate appointment on its own merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

18.06.2024

Neutral Citation : yes/no
dpq



W.P.No.15673 of 2024

WEB COPY

To

1. The Director
Directorate of Adi Dravidar and
Tribal Welfare,
Chepauk,
Chennai 600 005.
2. The District Adi Dravidar Welfare Officer
Namakkal,
Namakkal District.
3. The Special Tahsildar,
Adi Dravidar and Tribal Welfare,
Namakkal.
4. The Project Officer,
Tribal Welfare,
Kollimalai,
Namakkal District.



WEB COPY



W.P.No.15673 of 2024

D. BHARATHA CHAKRAVARTHY, J.

dpq

W.P.No.15673 of 2024

18.06.2024