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WP.No.17429 of 2023

In the High Court of Judicature at Madras

Dated : 25.9.2024

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.17429 of 2023

Gowtham

Vs

...Petitioner

- 1.The Director General, National
Highways Department,
Chennai-25.
- 2.The Chief Engineer, National
Highways Department,
Chennai-25.
- 3.The Superintending Engineer,
National Highways Department,
Chennai-106.
- 4.The Divisional Engineer,
National Highways Department,
Villupuram-605602.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records vide. Proceedings No.1146/NR 7/2023 dated 16.3.2023 on the file of the 1st respondent, quash the same and consequently direct the 1st respondent to appoint the petitioner in a suitable post on compassionate ground.



WP.No.17429 of 2023

fourth respondent by order dated 29.11.2022.

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(ii) Thereafter, the petitioner made another representation dated 25.1.2023 to the respondents to consider his request for appointment on compassionate grounds and it was rejected by the impugned order on the ground that he did not submit the application within three years from the date of death of his father and the order dated 29.11.2022 passed by the fourth respondent was confirmed. In this writ petition, the order dated 16.3.2023 passed by the first respondent is under challenge.

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned order.

5. In the considered view of this Court, the impugned proceedings of the first respondent dated 16.3.2023 is perfectly in line with the judgment of the Full Bench of this Court in the case of **Nandini Dev Vs. Secretary to Government [W.P.(MD) No.7016 of 2011 etc. cases dated 11.3.2020]**. This Full Bench judgment was subsequently followed by a Division Bench of the Madurai Bench of this Court in the case of **V.Deepika Vs. District Collector [W.A.(MD) No.682 of 2022 dated 08.7.2022]**. In view of the above, there is no



WP.No.17429 of 2023

ground to interfere with the impugned proceedings of the first respondent dated 16.3.2023.

6. On going through the materials, it is seen that the request made by the petitioner's mother for appointment on compassionate grounds is still pending, in which, various clarifications were sought for and the petitioner's mother also responded to them.

7. Therefore, since the mother of the petitioner has already submitted an application on time and the same is under consideration, there shall be a direction to the fourth respondent to deal with the same and take a final decision within a period of six weeks from the date of receipt of a copy of this order. The petitioner's mother is permitted to make a fresh representation to the fourth respondent along with all the relevant documents including a copy of this order.

8. The writ petition is disposed of in the above terms.

RS

25.9.2024



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WP.No.17429 of 2023

N.ANAND VENKATESH,J

RS

To

- 1.The Director General, National Highways Department, Chennai-25.
- 2.The Chief Engineer, National Highways Department, Chennai-25.
- 3.The Superintending Engineer, National Highways Department, Chennai-106.
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W.P.No.17429 of 2023

25.9.2024