



W.P.No.21324 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.21324 of 2024
and
W.M.P. No. 23277 of 2024

P.Tirupathi

... Petitioner

Vs

1. The Secretary to Government,
Social Welfare Department,
Secretariat, Chennai – 600 009.

2. The District Collector,
Krishnagiri District.

3. The Personal Assistant to District Collector
(Noon Meal Scheme)
Krishnagiri District.

4. The Commissioner/Block Development Officer,
Krishnagiri Panchayat Union,
Krishnagiri District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, to call for the records
pertaining to the impugned order in Na. Ka. No. 7120/2022/X1 dated



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18.08.2022 of the third respondent and quash the same consequently direct the respondents to grant appointment to the petitioner to the post of Noon Meal Organiser or any other suitable post without reference G.O. Ms. No. 48 dated 18.08.2021 by Social Welfare and Women Empowered Department, by taking into consideration without that the petitioner is the sole legal heir to the deceased employee.

For Petitioner : Mrs. Dakshayani Reddy,
for Mr. C.Mahendran

For Respondents : Mr. Yogesh Kannadasan,
Special Government Pleader (for R1 to R3)

Mr. V.Nanmaran,
Additional Government Pleader (for R4)

ORDER

With consent of both sides, this Writ Petition has been taken up for disposal at the admission stage itself.

2. This Writ Petition is filed challenging the order dated 18.08.2022 passed by the third respondent, whereby the request made by the petitioner seeking appointment on compassionate grounds was rejected.



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3. The petitioner's mother, while working as a Noon Meal Cook, died on 24.04.2004, leaving behind the petitioner as her sole legal heir. The petitioner submitted an application seeking appointment on compassionate grounds, and the same was forwarded by the second respondent through communication dated 26.06.2008 to the Director of the Social Welfare Department. However, no orders were passed, and as such, the petitioner approached this Court, but the claim made by the petitioner was rejected on the ground that, as per G.O. Ms. No. 48, Social Welfare and Women Empowerment Department dated 18.08.2021, only the daughter of a Noon Meal employee is entitled to appointment on compassionate grounds.

4. The learned Senior Counsel appearing for the petitioner submitted that this issue has already been dealt with by this Court in similarly placed persons, stating that the G.O. is only prospective in nature and is not applicable to cases where the person died before the Government Order.



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5. However, the petitioner made the said application after a period of three years from the date of his mother's demise. That apart, the petitioner challenged this order after a period of two years. Further, the petitioner now seeks employment after a period of 20 years from the date of his mother's demise. For the past 20 years, it cannot be said that the petitioner's family is in financial crisis. Therefore, if the petitioner is provided with employment, the object of the scheme of compassionate grounds would be defeated. Hence, this Court finds no infirmity or illegality in the order passed by the third respondent, and the Writ Petition is devoid of merits and is liable to be dismissed.

6. In the result, this Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

29.07.2024

Index:Yes/No
Neutral Citation/Yes/No
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G.K.ILANTHIRAIYAN, J.

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