



W.P.(MD).No.20551 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.20551 of 2022

G.Muruganantham

... Petitioner

Vs.

- 1.The State of Tamilnadu
Rep. by its Secretary,
Public Health and Welfare Department,
Secretariat,
Chennai.
- 2.The Director,
Directorate of Medical Education,
Kilpauk,
Chennai.
- 3.The Director,
Medical and Rural Health Services,
Chennai-06.
- 4.The Joint Director,
Medical and Rural Health Services,
Swami Vivekananda Road,
Ramanathapuram.



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5.The Dean,
Government Head Quarters Hospital,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to appoint the petitioner in the post of Cardiac Catheterization Lab Technician on compassionate ground by completing the proceedings in Na.Ka.No.11359 / NiPi.8 / 1 / 2019 dated 18.08.2019 pending before the 3rd respondent by considering the petitioner's representation dated 13.08.2022 within the time period stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.J.K.Jeya Seelan
Government Advocate

ORDER

The present writ petition is filed for a Writ of Mandamus, seeking to direct the respondents to appoint the petitioner in the post of Cardiac Catheterization Lab Technician on compassionate ground by completing the proceedings in Na.Ka.No.11359/NiPi.8/1/2019 dated 18.08.2019 pending



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before the 3rd respondent by considering the petitioner's representation dated 13.08.2022.

2. Heard the learned Counsel for the petitioner and the learned Government Advocate for the respondents and carefully perused the materials available on record.

3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner is a Chemistry graduate. He completed his graduation in the year 2007. Thereafter, he completed a certificate course in Cardiac Catheterization Lab Technician in the year 2013 at Government Rajaji Hospital, Madurai. The petitioner's father namely one Ganesan served as Office Assistant with the 5th respondent Medical College Hospital. While in service on 04.03.2012, the petitioner's father passed away. He was survived by the petitioner and petitioner's mother namely Panchavarnam and the petitioner's sister namely Sharmila Devi. The petitioner made an application before the 4th



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respondent seeking an appointment under compassionate ground within the stipulated period of three years from the date of death of the employee. The 4th respondent had sent a proposal to the 3rd respondent along with the petitioner's application on 26.10.2015. However, no action has been taken till 2019. Thereafter, the petitioner enquired with the 4th respondent for which he did not receive any positive response. Hence, in the month of August 2019, the petitioner made a representation to the 1st respondent seeking the post of Junior Assistant. On 18.08.2019, the 3rd respondent had sent a communication to the 2nd respondent for consideration with respect to the appointment of the petitioner on compassionate ground. However, on 19.09.2019, the 4th respondent had sent a reply to the petitioner stating that his request for the post is pending with the 3rd respondent's office and further stated that it is not possible to provide the job of Junior Assistant post. In the meanwhile, the petitioner's mother passed away on 25.06.2020. On 13.08.2022, the petitioner made a representation to all the respondents. However, the same is pending for consideration. Assailing the same, this Writ Petition came to be filed.



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4. The learned Government Advocate appearing for the respondents has submitted that the petitioner's application under compassionate ground has already been considered and he is kept in 23rd rank in the order of seniority in the list of candidates waiting for appointment under compassionate ground. As and when the petitioner's turn arrives, the petitioner's application will be considered and the job will be provided.

5. Per contra, the learned Counsel appearing for the petitioner categorically submitted in the affidavit of the petitioner it is pleaded that the petitioner's father passed away as early as in the year 2012 and more than 11 years has lapsed. In view of the same, the petitioner's application has to be considered with immediate effect or as early as possible for appointment under compassionate ground.

6. A careful perusal of materials available on record would show that the petitioner has made an application properly within a time. However, only on oral instructions, the learned Counsel appearing for the respondents submitted that the petitioner is kept in 23rd rank in the seniority list and no documents to



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prove the same has been produced before this Court. In view of the same, I hereby direct the respondents to consider the petitioner's application dated 13.08.2022 and provide him a job suitable to his qualification under compassionate ground within a period of three (3) months from the date of receipt of the copy of this order.

7. Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

03.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml



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L.VICTORIA GOWRI, J.

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