



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Twenty Third day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN
AND
The Hon`ble Mr.Justice J.SATHYA NARAYANA PRASAD

CMP(MD). No.11951 of 2023
in
WA(MD).NO.620 of 2022

N.Nagasivam

... Petitioner/Party in Person

Vs

1.The Executive Officer
Town Panchayat Office
Batlagundu-624 202.

2.The Assistant Director of Town Panchayat Office,
Assistant Director of Town Panchayat Office
(Collector Office)
Dindigul -624 004.

3.The Director
Directorate of Town Panchayat
Urban Administrative Building
75 Santhome High Road
R.A.Puram Chennai.

4.The District Collector
Collector Office
Dindigul District-624 004.

... Respondents/Respondents



Prayer in CMP(MD). No.11951 of 2023:-

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Civil Miscelleneous Petition filed Under Section 151 of Civil Procedure Code
pleaded to recall for order dated 02-12-2022 made in W.A.(MD).NO.620/2022

Prayer in WA(MD). 620/ 2022 :

Writ Appeal filed under Clause 15 of Letters Patent, praying to present this
Memorandum of grounds of Writ Appeal against the order passed in W.P. (MD) No.
7088/2021 dated 01.03.2022

Prayer in WP(MD). 7088/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this
Court to issue a Writ of Certiorari and Mandamus to call for the records pertaining to
the impugned order Na.Ka.no.816/2017/Tha.A dt 7.1.2020 on the file of the
respondent no. 1 and quash the same as illegal consequently directions the
respondents here in to provide suitable employment to petitioner under
compassionate grounds on the basis of Government Order M.S.no.155 Labour and
Employment dt 16.7.1993 within time stipulated by this Honble Court

ORDER:- This Civil Miscelleneous Petition coming on for orders on this day and upon
perusing the petition and the affidavit filed in support thereof and upon hearing the
arguments of Mr.Nagasivam Party in Person, and of Mr.S.P.Maharajan, Special

Government Pleader, for the respondents, this Court made the following order:



ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

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The petitioner seeks to recall the order of this Court dated 02.12.2022 made in W.A(MD)No.620 of 2022.

2. The Division Bench has dismissed the said writ appeal on the ground that the petitioner herein/appellant in the writ appeal, will not be entitled to compassionate appointment, since his mother is already in Government service. No other ground has been assigned by the Division Bench. The petitioner's certificate was put to test in subsequent proceedings and that certificate was upheld even in the order in the subsequent proceedings in W.P(MD)No.3281 of 2023, wherein, Justice G.R.SWAMINATHAN while allowing the writ petition and upholding the genuineness of the certificate, observed as follows:

"4. I fail to understand as to how getting such certificate will improve prospects of the petitioner. In the earlier round of litigation, it has been already held that the petitioner cannot be appointed on compassionate ground. If a member of the family of the deceased is in government employment, another member of the family cannot seek appointment on compassionate ground. Unless the petitioner succeeds in setting aside the order passed by the Hon'ble Division Bench in W.A.(MD)No.620 of 2022, his efforts to get compassionate appointment may not yield fruit."



3. The said order will not give a cause of action for the petitioner to recall the order in the writ appeal. The petitioner who is appearing in person would, however, submit that now the certificate is found to be genuine and the fact that his mother is employed will not be a bar. If we are to accept the said contention, we will be reviewing the order of the Division Bench which cannot be done by us in this recall petition.

4. Hence, this petition is dismissed.

Sd/-

Assistant Registrar(CS III)

// True Copy //

/11/2024

Sub Assistant Registrar
(CS- I/ II / III / IV)

TO

1.The Executive Officer
Town Panchayat Office
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2.The Assistant Director of Town Panchayat Office,
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75 Santhome High Road

R.A.Puram Chennai.



4. The District Collector
Collector Office
Dindigul District-624 004.

5. The Special Govt. Pleader,
Madurai Bench of Madras High Court, Madurai

Copy to:
The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 23/10/2024

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ORDER

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CMP(MD). No.11951 of 2023
in
WA(MD).NO.620 of 2022
Giving direction and etc.
as stated within.

MGJ(08.11.2024) 5P 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17.07.2023