



WP(MD) No.19928 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.19928 of 2023
and
W.M.P(MD)No.16456 of 2023

Pattamuthu

... Petitioner

Vs.

1.The Director

Directorate of Medical Education and Research,
Kilpauk,
Chennai-600010.

2.The Dean

Government Tirunelveli Medical College Hospital,
Tirunelveli.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus



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to call for the records pertaining to the Impugned Order in K.Dis. No.73038/E4/2/2021 dated 20.06.2023 passed by the 1st Respondent and consequently Impugned Order in Na.Ka.No. 13705/Ni6/2019 dated 13.07.2023 passed by the 2nd Respondent and quash the same as illegal and consequently direct the Respondents to provide compassionate appointment to the petitioner by considering the Petitioner's application dated 28.01.2020.

For Petitioner : Mr.C.Saravanakumar

For Respondents : Mr.T.Amjad Khan

Government Advocate

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the Impugned Order in K.Dis. No.73038/E4/2/2021 dated 20.06.2023 passed by the 1st Respondent and consequently Impugned Order in Na.Ka.No. 13705/Ni6/2019 dated 13.07.2023 passed by the 2nd Respondent and consequently direct the Respondents to provide compassionate appointment to the petitioner by considering the Petitioner's



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application dated 28.01.2020.

2. Heard Mr.C.Saravanakumar, learned counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents.

3. The petitioner has filed this writ petition seeking compassionate appointment in view of the death of his father Chinnathambi on 08.05.2019, while he was in service. The reason for rejecting the petitioner's application is that the petitioner has been convicted for the offence under Section 4(1) (i) of Tamil Nadu Prohibition Act, 1937.

4. In the impugned order, it is stated that the penalty prescribed for the said offence is imprisonment for 3 months or fine, which may extend to one thousand rupees. So it is claimed that the offence for which the petitioner got convicted was not a petty



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offence, but a trivial offence and hence, his application is not considered.

5. The learned counsel for the petitioner submitted that the above case has been disposed of on 15.11.2012, by imposing a fine of Rs.400/-. The offence punishable under Section 4(1)(i) of Tamil Nadu Prohibition Act, 1937 relates to selling of liquor. The punishment relates to back to the year 2012. The petitioner's father died on 08.05.2019. So it would have been ideal if the petitioner's conduct was assessed from the date of his application. Even if his past conduct was assessed that would come into effect at the time when the petitioner was found to be fit to furnish with the appointment order. Even before that, the application for seeking compassionate appointment has been rejected for his involvement in a trivial offence, in which, he was imposed with a punishment of Rs.400/- fine.



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6. Since the above incident relates back to the year 2012 and thereafter, that the petitioner has not involved in any other criminal case, I feel the respondents can reconsider the application of the petitioner and pass appropriate orders on other merits within a period of eight weeks.

7. In view of the above stated reasons, the Writ Petition is **disposed of** with a direction to the respondents to reconsider the application of the petitioner and pass appropriate orders on other merits within a period of eight weeks from the date of receipt of a copy of this order. No costs.

11.06.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM



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To

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Directorate of Medical Education and Research,
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- 2.The Dean
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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.19928 of 2023

Dated:
11.06.2024