



W.P.(MD)No.25319 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.25319 of 2022

and

W.M.P.(MD).Nos.19413 and 19414 of 2022

G.Guruviah

... Petitioner

Vs.

1.The Commissioner,
Revenue Administration,
Ezhilagam, Chepauk,
Chennai – 600 005.

2.The District Collector,
Tenkasi District,
Tenkasi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent in connection with the impugned order of rejection passed by him in his proceedings in Na.Ka.A4/ 603/2021 dated 29.03.2021 and quash the same as arbitrary and consequently direct the respondents to re-fix the petitioner's seniority either from the date of recommendation made on 03.12.2007 or from the date of compassionate appointment given to Mrs.Jayanthi on 04.01.2008 and thereby place the petitioner accordingly in the seniority list of Deputy Thasildar and promote the petitioner with all service benefits within the time limit that may be stipulated by this Court.



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For Petitioner : Mr.K.Gurunathan

For Respondents : Mr.R.Baskaran
Additional Advocate General
Assisted by,
Mr.M.Lingadurai
Special Government Pleader

ORDER

Heard Mr.K.Gurunathan, learned counsel for the petitioner, Mr.R.Baskaran, learned Additional Advocate General assisted by, Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents.

2. This Writ Petition has been filed seeking to quash the order dated 29.03.2021 passed by the second respondent and consequently direct the respondents to re-fix the petitioner's seniority either from the date of recommendation made on 03.12.2007 or from the date of compassionate appointment given to Mrs.Jayanthi on 04.01.2008 and thereby place the petitioner accordingly in the seniority list of Deputy Thasildar and promote him with all service benefits.



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3. Mr.K.Gurunathan, learned counsel for the petitioner submitted that the petitioner has been appointed on compassionate ground consequent to the death of his father viz., Gurusamy. The petitioner was appointed in the year 2012. The claim of the petitioner is that despite there are vacancies and similarly placed applicants have been considered and given appointment in the year 2001 and 2008, the petitioner's case has been considered only in the year 2012 and he was given with a belated appointment.

4. The petitioner claims that the respondents had given priority for those applicants who have got better influence and delayed the petitioner's case as per their whims. Earlier, the petitioner has filed a Writ Petition in W.P.(MD).No.18025 of 2020 for refixing the seniority with effect from the date of recommendation sent for appointment itself and to grant all notional service benefits. The Writ Petition has been disposed with the following direction:

“6.In view of the submissions made by the learned counsel appearing on either side, this Court directs the respondent to dispose of the petitioner's representation dated 22.10.2020 and to refix his seniority within a period of twelve weeks from the date of receipt of a copy of this order on merits and in accordance with law.”



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5. Consequent to the said direction, the impugned order has been passed on 29.03.2021 rejecting the claim of the petitioner. Now, the petitioner has challenged the said order and claims the relief as stated above. The petitioner's contract of employment with the respondent department would start only from the date of his appointment and not any time earlier.

6. Mr.R.Baskaran, learned Additional Advocate General submitted that there was no wanton delay involved in the appointment of the petitioner and the delay was only due to the compliance of due procedure which involves lot of formalities. However, the petitioner has claimed that similarly placed persons who have also applied for compassionate appointment were considered during the relevant point of time and they have given appointment at the earliest. But the petitioner's appointment has not been considered for several years. If the delay is made wantonly by showing any discriminatory attitude towards the petitioner, the petitioner could have got affected. But the petitioner claim to refix his seniority from same anterior date when the petitioner has not even borne into service. If such kind of litigations are entertained and similar reliefs are granted, it will open flood gates to many such litigations and all those persons for whom the compassionate appointment has been given would claim that delay has affected their seniority and hence it has to be refixed from same



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anterior date and grant all consequential service benefits. Such illusionary claims cannot be permitted.

7. Hence, this Writ Petition is **dismissed**. No costs. Consequently, connected miscellaneous petitions are closed.

02.04.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To

1.The Commissioner,
Revenue Administration,
Ezhilagam, Chepauk,
Chennai – 600 005.

2.The District Collector,
Tenkasi District,
Tenkasi.



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R.N.MANJULA, J.

Nsr

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