



Rev.Aplc(MD).No. 143 of 2

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

Rev.Aplc(MD).No.143 of 2024

and

C.M.P(MD).No. 15634 of 2024

1.The District Collector,
Dindigul District,
Dindigul.

2.The Block Development Officer (Village Panchayat),
Block Development Office,
Aathoor @ Sempatti,
Sempatti Post,
Dindigul District.

3.The President,
Village Panchayat,
Bodikkamanvadi,
Aathoor Taluk,
Dindigul District.

...Review Applicants

Vs.

V.Balamurugan

...Respondent

Prayer: Review Petition filed under Order 47, Rule 1 & 2 r/w. 114 C.P.C.,
seeking to review the judgment passed in W.A(MD).No.1077 of 2022 dated
19.09.2024.

For Review Applicants : Mr.Veerakathiravan

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Additional Government Pleader

For Respondents

: Mr.Ponniah

for M/s.Ajmal Associates

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ORDER

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

This review petition is a clear abuse of process of law by the Government which abuses its citizens fully. While disposed of the Writ Petition, we have relied upon the operative portion of the G.O.(Ms).No.39 dated 07.05.2013, under which, the poor Sanitary Workers who were working on daily wages were brought into special time scale of pay with a view to bring them under regular appointment. In fact, we had referred to Clause 3 of the said Government Order, which shows that these persons are brought into special time scale of pay only with a view to bring them under the regular vacancies.

2. Now one of such person had died while in service, compassionate appointment has been denied to him by the appellant reclariant Government stating the Government Order passed which shows persons who do not come under regular pay scale of pay are not entitled to regularization.



3. A Full Bench of this Court in ***M.Sivappa Vs. The State of Tamil***

Nadu, rep. by its Principal Secretary, Rural Development Department and

Others reported in ***2024 (1) WLR 321*** has held that if the post to which a person is recruited is available under the basic services, appointment of person temporarily to such posts itself is illegal and it would amount to exploitation by the Government. After having exploited the Government servant who had died, the Government is refusing to even give compassionate appointment to the dependents. This is highly deplorable in our opinion. This review petition is therefore, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (L.V.G., J.)
02.12.2024

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Internet: Yes / No

Index: Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To:

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Dindigul.
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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.



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