



Writ Petition No.17004 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATE: 19.02.2025

CORAM

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition No.17004 of 2023
and W.M.P.No.16205 of 2023

M. Sivakumar

.. Petitioner

Versus

1. The Chief Executive Officer,
Tamil Nadu Khadi & Village Industries Board,
Kuralagam, Chennai 600 108.

2. The Assistant Director,
Khadi & Village Industries, Thiruvannamalai.

3. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

... Respondents

PRAYER : Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to appoint the petitioner on compassionate ground on account of death of petitioner's father Late A.D. Manivannan who has worked as Khadi Assistant, Grade-II in the office of 2nd Respondent and pass orders.

For Petitioners

: Mr.C.K.M. Appaji

For Respondents 1 and 2

:Mr.V.L.AkshaiSajinKumar,SC

For Respondent 3

: Mr.T.M. Rajangam, GA



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ORDER

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This petition is filed to Writ of Mandamus, directing the respondents to appoint the petitioner on compassionate ground on account of death of petitioner's father Late A.D. Manivannan who has worked as Khadi Assistant, Grade-II in the office of 2nd Respondent and pass orders.

2.The facts of the case is that the father of the petitioner/A.D.Manivannan worked as Khadi Assistant in the Tamil Nadu Khadi & Village Industries Board for a period of 22 years. It is pertinent to note that on 02.10.1996 when the petitioner was working as Khadi Assistant Grade-II he went to collect the dues of the Khadi Board from the customers, he was murdered by some unknown persons and a case was also registered in this regard. After the demise of the sole bread winner of the family the family was put in indigent circumstance. Hence, the wife of the deceased applied for appointment on compassionate ground with all the relevant records to the second respondent, who inturn issued a letter on 18.09.1998 wherein there was a direction to file Income Certificate of the family and also to obtain certificate from the Tahsildar that none of the family members are employed in private and public sector. Pursuant to which all the



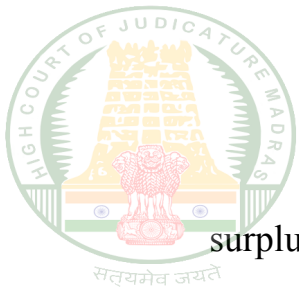
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certificates necessary were furnished. When this being the case on 15.11.2000 the first respondent herein returned the application with an assurance to get back the papers as and when it is required, thereafter likewise several correspondence was made from the year 1998 to 2022. The last letter was issued by the first respondent herein to the petitioner on 07.06.2022 stating that already petitioner's application was forwarded to the 3rd respondent to consider the petitioner's case at the earliest. However, no employment was provided till date, which has given rise to this petition.

3. The learned counsel for the petitioner submitted that they have approached the respondents seeking compassionate appointment well within the prescribed time limit and there is no fault on the part of their side. He further submitted that the respondents has made the petitioner to run from the pillar to post to grant compassionate ground employment.

4. The learned standing counsel appearing for the first respondent filed a counter affidavit wherein it has been stated that since the financial burden of this respondent increased to multi-fold the Government Vide G.O.(MS) No.154, Handlooms Handicrafts Textiles Khadi (2F) Department, dated 21.11.2009 and G.O.(Ms)No.125, Handlooms Handicrafts Textiles Khadi (F!) Department, dated 02.09.2010 had ordered to redeploy 719



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surplus employees of the Board in various Government Departments/ Public Sector Undertakings/ Corporations/ Boards. Accordingly 482 employees of the Board were ordered to be redeployed to other Government Departments. Further total ban was also ordered by the Government for Direct recruitment in the Tmil Nadu Khadi and Village Industries Board in the above Government Orders. It is further stated that recruitment and appointment under Compassionate grounds were banned in the Board, the staff strength of the Board had drastically reduced which created a situation that even the regular works of the Board could not be carried out. They have requested the Government to lift the ban on appointment under compassionate ground and to appoint the people waiting in the list in the office of this Respondent/Board and orders awaited.

5. Heard both sides and perused the materials available on record.

6. On a perusal of records it is seen that several correspondence was made among the respondents herein. Finally on 07.06.2022 the first respondent has made a recommendation to the second and third



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respondents to consider the case of the petitioner and provide him compassionate employment. It is also stated on the side of the respondents that as the petitioner is nearly about 50 years there is legal impediment to provide his compassionate employment.

7. This Court accepts the contention of the Respondents that there is a ban in the Department to provide compassionate employment and there is legal impediment to consider the case of the petitioner as he is nearly about 50 years. However, the petitioner was made to run from pillar to post for the past 25 years inspite of the fact that he has approached the respondents well within the prescribed time limit.

8. In view of the above, this Court directs the respondent that if any vacancy arise in future they should consider the case of the petitioner and pass orders on merits and in accordance with law. With regard to age the respondent are at liberty to find any other person in the family who may be eligible to grant compassionate appointment and if so they can proceed the case accordingly and inform the same to the petitioner.



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9. With the above observations this writ petition stands disposed

of. No order as to costs. Consequently, the connected miscellaneous petition is closed

19.02.2025

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Index: Yes/No

Internet: Yes/No



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To

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V.BHAVANI SUBBAROYAN, J.

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