



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 07.04.2024

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 9967 of 2024

And

W.M.P.No. 10993 of 2024

D.Gunapriyan

... Petitioner

..Vs..

1. The Commissioner of Agricultural
Chepauk, Chennai – 600 005.
2. Director of Agricultural
Chepauk, Chennai – 600 005.
3. The Joint Director of Agricultural
Krishnagiri and District.
4. The Assistant Director of Agricultural
Barugur Taluk, Krishnagiri District.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records pertaining to the first respondent in Letter No.ANIB6/145140/2019 dated 18.12.2023 and quash the same and direct the first respondent herein to issue the post on compassionate ground according to petitioner's educational



qualification as per petitioner's representation dated 11.10.2021.

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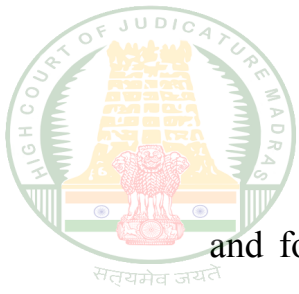
For Petitioner :: Mr. M.Thamizhavel

For Respondents :: Mrs. A.Bakkiyalakshmi
Government Advocate

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus seeking records relating to a communication of the first respondent dated 18.12.2023 and quash the same and direct the said first respondent to grant any post on compassionate grounds in accordance with educational qualification of the petitioner in accordance with the representation dated 11.10.2021.

2. In the affidavit filed in support of the Writ Petition, it had been stated that the father of the petitioner, C.Durairaj was working as Deputy Agricultural Officer in the office of the second respondent. The father died on 14.12.2012 while in service. Thereafter, the mother of the petitioner had given a representation on 05.02.2013 to the first respondent through the third



and fourth respondents seeking employment on compassionate grounds to the younger brother of the petitioner D.Praveen Kumar, who had studied B.E Mechanical Engineering. Independently the younger brother had given a representation on 09.10.2019 seeking compassionate employment. Unfortunately, he died on 02.10.2021 in a road accident. Thereafter, the petitioner had given a representation on 11.10.2021 seeking compassionate employment. The petitioner had studied B.E., Electric and Electronic Engineering. The mother of the petitioner also gave a further representation on 11.10.2021.

3. In the impugned communication dated 18.12.2023, it had been contended on behalf of the respondents that the application given by the petitioner stood rejected since the compassionate employment was originally sought for D.Praveen Kumar, the younger brother of the petitioner and therefore, the representation of the petitioner cannot be considered by the respondents.

4. It had also been stated that an application cannot be made by a



person, who seeks employment from a person, who had been named in the initial application.

5. The learned counsel for the petitioner however contended that the initial application seeking compassionate employment for the brother of the petitioner D.Praveen Kumar was made within a period of three years from the date of death of the father. The said application was kept pending on account of administrative delay by the respondents. Thereafter, even before the respondents could take any decision, the brother of the petitioner died in a motor accident. The petitioner then applied seeking compassionate employment. One of the main factors to be examined is about the indigent circumstances in which the family is placed and in this connection the learned counsel for the petitioner pointed out that the Tahsildar, Barugur had given a certificate on 04.09.2020 wherein he had stated that the family income is Rs.2,47,068/- per year which was part of the family pension received by the family of the petitioner. It had been further stated that there are no other sources of income and no other income received by the family of the petitioner. It had been further stated that the family is in penury circumstances.

6. In the counter affidavit filed on behalf of the third respondent, it



had been again reiterated that the original applicant D.Praveen Kumar had unfortunately died and therefore, there cannot be any substitute made. It had also been contended that the Writ Petitioner had made an application on 11.10.2021 nearly 9 years after the death of his father on 14.12.2012.

7. The facts however reveal that immediately after the death of the father on 14.12.2012, an application had been made on 05.02.2013 within the period of three years by the mother of the petitioner, however seeking employment for her son / younger brother. That application was kept pending by the respondents. No decision had been taken or conveyed to the petitioner. In the meanwhile, the younger brother died. The petitioner is not a stranger to the family. His father was also employed under the respondents and his father also died while working under the respondents and while in service.

8. The petitioner had completed his B.E. Engineering. A certificate had been issued by the Tahsildar that the family is living in indigent circumstances. These assertions are neither denied nor disputed by the respondents. Thereafter, immediately after the death of the younger brother, who died on 02.10.2021, a representation had been given by the petitioner



herein on 11.10.2021. In the interregnum period, representations were again and again sent by the mother of the petitioner. The facts make it clear that the petitioner has been filing representations seeking employment on compassionate grounds.

9. It may not be a right but certainly there is a legitimate expectation harboured that the petitioner should be considered for grant of any employment commensurate with his educational qualification. The State being a welfare State cannot leave its employee high and dry just because they had died. The State has a responsibility towards the family members of an employee, who dies in harness, particularly, a family, who according to the jurisdictional Tahsildar is living in indigent circumstances.

10. In view of these facts, this Writ Petition stands allowed. W.M.P.No. 10993 of 2024 stands ordered as prayed for. No order as to costs.

11. A direction is given to the respondents to examine the representation given by the petitioner and grant employment commensurate



with educational qualification of the petitioner. The entire exercise may be completed within a period of six weeks from the date of receipt of a copy of this order.

07.04.2025

vsg

Index: Yes/No

Internet: Yes/No

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