



WEB COPY



W.P.No.14124 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

CORAM

THE HON'BLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P.No.14124 of 2020

G.Ganesh

... Petitioner

vs.

1.Union of India,
Rep.by the Secretary,
Ministry of Surface,
Transport, BRDB, B-Wing, 4th Floor,
Kashmir House, DH, P.O.,
New Delhi 110 011.

2. The Director General Boarder Roads,
Seema Sadak Bhavan,
Ring Road, Delhi CANTT,
New Delhi 110 010.

3. The Officer-in-charge,
Record Office,
General Reserve Engineer Force,
Dighi Camp,
Pune 411 015.

4. The Commandant,
General Reserve Engineer Force,
Dighi Campu, Pune 411 015.

.. Respondents



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Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records of 4th respondent pertaining to his order made in 1456/32/(2008)/160047/GS/71/DD Cell dated 20.12.2019 and 1456/32/(2008)/160047/GS/73/DD Cell dated 14.03.2020 and quash the same, consequent to direct the respondents to appoint the petitioner on compassionate grounds in anyone of the vacant post on considering his educational qualifications.

For Petitioner : Mr.R.Malaichamy

For Respondents : Mr.N.Ramesh
Standing Counsel

ORDER

The present writ petition has been filed challenging the impugned order dated 20.12.2019 passed by the fourth respondent and quash the same and for a consequential direction to the respondents to appoint the petitioner on compassionate grounds in anyone of the vacant post on considering his educational qualifications.



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2. The case of the petitioner is that his father died in Bomb Blast Planted by the Extremist on 12.04.2008 at Afghanistan, while working as Mason for the Government of India under the Defence Department. Hence, the respondents have to consider the case of the petitioner as special one. The death of his father due to Bomb Blast was informed to his mother by the third respondent vide letter dated 24.05.2018 and also instructed that his mother was eligible for appointment on compassionate grounds at that time, he was less than 17 years old. His mother requested the second respondent to arrange for appointment on compassionate grounds due to penury condition, but it was rejected and directed her to submit the relevant form for appointment vide letter dated 29.04.2009. On attaining the age of majority, the petitioner had made a representation to the respondent to the fourth respondent. However, the fourth respondent rejected the claim of the petitioner by stating that the petitioner was awarded less marks for consideration. Aggrieved by the impugned order, the petitioner has filed with the present writ petition before this Court.



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3. The learned counsel appearing for the petitioner submitted that as per the orders passed by the fourth respondent dated 09.07.2019 wherein it is stated that the petitioner has to apply afresh for the next Board/Committee meeting to be convened later stating that the family' latest financial economic condition, number of dependents of the family as on date and latest marital status of dependents etc .

4. The learned counsel further submitted that he is willing to submit afresh application along with all relevant documents as per the order of the fourth respondent dated 09.07.2019.

5. The learned Standing Counsel appearing for the respondents submitted that the Committee found his case eligible for consideration of compassionate appointment, subject to availability of vacancy meant for the purpose on the basis of economic/penury conditions of the dependent family members. Accordingly, name of the petitioner was included in the list of candidates who were availing for compassionate appointment.



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This fact was communicated to Next of Kin Smt.G.Sivakami, vide GREF

Centre Letter No.1456/32(2008)/160047/CG/455/DD Cell dated 03.01.2015. Thereafter, various representations received from the Next of Kin as well as the from the petitioner from time to time and have also been replied adequately stating that the factual position of his compassionate appointment case.

6. Heard the leaned counsel on either side and also perused the materials available on record.

7. In view of the above submissions made by the learned counsel on either side, the petitioner is directed to submit fresh application as per the order of the fourth respondent dated 09.07.2019 with all relevant documents, within a period of six weeks from the date of receipt of a copy of this order. On such receipt of the same, the fourth respondent is directed to consider the application of the petitioner, in accordance with law and rules invoked and pass appropriate orders on merits, within a period of eight weeks thereafter.



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J.SATHYA NARAYANA PRASAD, J.

kkd

8. This writ petition stands disposed of with the above observation and direction. No costs.

29.01.2025

Index : Yes/No.
Internet : Yes/No.
Neutral Citation : Yes/No
Speaking : Non-speaking Order
kkd

To

- 1.The Secretary,
Ministry of Surface,
Transport, BRDB, B-Wing, 4th Floor,
Kashmir House, DHQ, P.O.,
New Delhi 110 011.
2. The Director General Boarder Roads,
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