

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

W.P.No.34923 of 2014
and
M.P.Nos.1 and 2 of 2014

V.Tamilarasu

...Petitioner

Vs.

1.The State

Rep. by its Principal Secretary to Government,
Government of Tamil Nadu,
Labour and Employment Department,
Fort St.George, Chennai - 600 009.

2.The Director

Directorate of School Education
DPI Campus, College Road
Chennai - 600 006.

3.The District Educational Officer,
Salem District, Salem.

4.The Head Master

Municipal Girls High School,
Sagadevapuram,
Salem - 636 207.

...Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records made in the impugned order in Na.Ka.No.4692/Aa5/2013 dated 06.05.2014 passed by the 3rd respondent and to quash the same and further direct the respondents to consider the representation sent by the petitioner on periodically on 23.05.2014 and 12.07.2014 to provide employment to the petitioner under compassionate ground for any suitable post.

For Petitioner : Mr.M.Velmurugan

For Respondents : Mr.P.Sanjay Gandhi
Additional Govt. Pleader

O R D E R

This writ petition is directed against the order dated 06.05.2014 whereby and where under, the 3rd respondent rejected the application submitted by the mother of the petitioner for compassionate appointment on the ground that as on the date on which she made the application, the petitioner was a minor and as such, he is not eligible for appointment on compassionate ground.

2. The petitioner is the son of Thiru.Veeramani, who was employed as Assistant in Municipal Girls High School, Sagadevapuram, in the district of Salem. The father of the petitioner died in harness on 12.12.2007. He was survived by his mother, the petitioner and his mother and sister. The petitioner's mother submitted an application for compassionate appointment on 15.10.2010. The application was kept pending by the respondents for years together and ultimately rejected by order dated 21.03.2014 solely on the ground that the petitioner was a minor as on the date on which the application was made. The said order is under challenge in this writ petition.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader on behalf of the respondents.

4. There is no dispute that the petitioner's mother submitted application for compassionate appointment on 15.10.2010 consequent to the death of his father on 12.12.2007. The application was filed within a period of three years as prescribed under the relevant Government Order. The third respondent kept the matter pending for years together. It was only after the petitioner attained majority, the third respondent rejected the application on the ground that he was a minor as on the date on which the application was made. In case the respondents were of the view that the petitioner is not eligible for making application for compassionate appointment, the application should have been rejected then and there, without waiting for attaining majority. The respondents by keeping the application pending for years together and more particularly, till the petitioner attains majority, made the petitioner believe that the application would be considered after attaining majority.

5. It is true that the petitioner was a minor as on 15.10.2010. However, he attained majority as on the date on which the respondents considered the application for compassionate appointment. Such being the factual position, the third respondent was not correct in rejecting the application only on the ground that the petitioner was a minor as on the date on which the application was made for compassionate appointment. I am therefore

of the view that the petitioner is entitled to succeed.

6. In the result, the impugned order dated 06.05.2014 is set aside. The third respondent is directed to forward the papers to the second respondent for passing appropriate orders on merits. It is made clear that the application should not be rejected on the ground that the petitioner was a minor as on 15.10.2010. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

7. In the upshot, I allow the writ petition. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Labour and Employment Department,
Fort St.George, Chennai - 600 009.
2. The Director
Directorate of School Education
DPI Campus, College Road, Chennai - 600 006.
3. The District Educational Officer,
Salem District, Salem.
4. The Head Master
Municipal Girls High School,
Sagadevapuram,
Salem - 636 207.

1 CC to Mr.M.Velmurugan, Advocate SR.No. 16101

1 CC to the Government Pleader, SR.No. 15857

W.P.No.34923 of 2014

BVR (CO)

PSI (07.04.2015)