

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.26952 of 2013

J.Anandakumar

...Petitioner

Vs.

1.The District Collector,
Collectorate, Erode - 638 011
Erode District.

2.The Revenue Divisional Officer,
Gobichettipalayam,
Erode District.

3.The Tahsildar,
Gobichettipalayam Taluk,
Erode District.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of certiorarified mandamus, calling for the records pertaining to the order in Na.Ka.No.33001/2008/A5 dated 16.02.2010 passed by the first respondent, quash the same and consequently direct the respondents to consider the petitioner's claim for compassionate appointment in the place of his father Late Joseph Mark who died in harness on 28.03.2003 and appoint him in any suitable post by considering the application of his mother dated 21.05.2013 and his reminder representation dated 26.05.2008.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.M.S.Ramesh
Addl.Govt.Pleader

O R D E R

The order rejecting the application submitted by the petitioner for compassionate appointment on the ground of delay is challenged in this writ petition.

2. The father of the petitioner by name Thiru.Joseph Mark, worked as Village Assistant. While so, he died in harness on 28.03.2003. The mother of the petitioner submitted an application for compassionate appointment on 21.05.2003. The application was

kept pending by the respondents on the ground that there was a ban with regard to appointment. After the ban was lifted, the petitioner made a fresh application on 26.05.2008. The application was rejected by the first respondent on the ground that application was not made within a period of three years. The said order is under challenge in this writ petition primarily on the ground that earlier application filed by his mother was not taken into account.

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

4. The application submitted by the petitioner for compassionate appointment was rejected only on the ground that it was made only after a period of three years. The petitioner has produced a copy of the application dated 21.05.2003 submitted by his mother. The copy of the application contained the office seal of the revenue department. Such being the position, the first respondent was not correct in rejecting the application solely on the ground that it was not made within a period of three years. Since his mother has already made application on 21.05.2003, the subsequent application submitted by the petitioner should have been considered in the light of the earlier application. I am therefore of the view that the petitioner must succeed.

5. In the result, the impugned order dated 16.02.2010 is set aside and the matter is remitted to the first respondent for fresh consideration. The first respondent is directed to consider the application submitted by the petitioner for compassionate appointment in the light of the earlier application dated 21.05.2003. The application should be considered in the light of the relevant regulations without rejecting it on the ground of delay. Such exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

6. The writ petition is allowed as indicated above. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

svki
To

1.The District Collector,
Collectorate, Erode - 638 011
Erode District.

2.The Revenue Divisional Officer,
Gobichettipalayam,
Erode District.

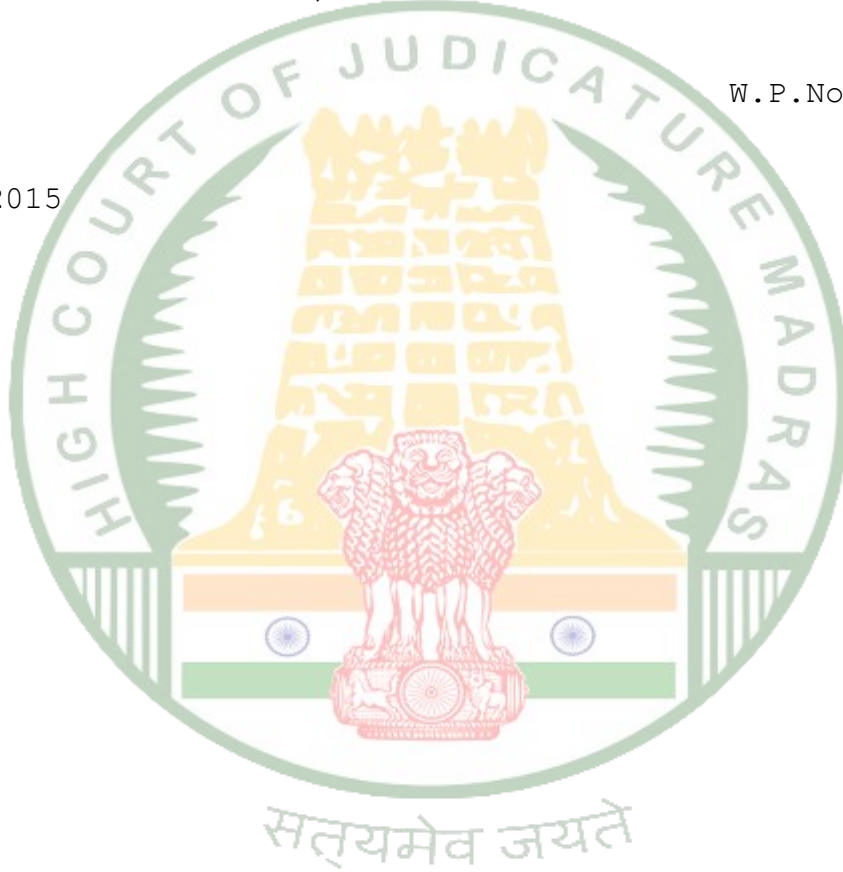
3.The Tahsildar,
Gobichettipalaym Taluk,
Erode District.

1 cc to Mr. N.Manokaran,Advocate, SR.No.12086

1 cc to Government Pleader,Sr.No12177

W.P.No.26952 of 2013

1RS (CO)
PMK.21.3.2015



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