

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.1629 of 2015

1.M.Thenammal

2.A.Satish Kumar

... Petitioners

Vs.

1. The Additional Commissioner of Police,
Traffic Zone,
Vepery, Chennai - 7.

2. The Commissioner of Police,
Chennai City Police,
Egmore, Chennai - 8.

3. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 4.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue writ of certiorarified mandamus to call for the records of the first respondent in connection with the impugned order passed in Na.Ka.No.PP3/Traffic Zone/27/3033/2014, dated 05.01.2015 and quash the same and direct the respondents to appoint the second petitioner on compassionate ground and grant him all consequential service and monetary benefits.

For Petitioner :Mr.K.Venkataramani, SC for
Mr.M.Muthappan

For Respondents :Mr.A.Kumar, Spl.GP

ORDER

By way of filing this writ petition, the petitioner seeks to quash the impugned order passed by the second respondent vide his proceedings dated 05.01.2015, with a consequential direction to the respondents to appoint the second petitioner on compassionate ground and grant him all consequential service and monetary benefits. In the said impugned order, the first respondent rejected the request of the first petitioner seeking compassionate appointment to her

son/second petitioner on the ground that the second petitioner did not attain the age of majority on the date of submitting the application.

2. Heard the learned counsel appearing on either side.

3. It is seen that the first petitioner's husband/Late Andiyappan died in an accident on 29.04.2009, while he was working as Head Constable in the Chennai City Police, Andiyappan. The second petitioner is the son of Late Andiyappan and that the two daughters of the deceased got married during his life time. Thereafter, the first petitioner sent an application dated 11.02.2010 to the respondents seeking appoint to her son on compassionate ground. However, the first respondent, by way of passing the impugned order dated 05.01.2015, rejected her application on the ground that the second petitioner did not attain the age of majority when the application was submitted on 11.02.2010.

4. Assailing said reasonings given by the first respondent in the impugned order, it is submitted by the learned Senior counsel that it is settled law that one has to make an application for appointment on compassionate ground within three years from the date of death of an employee, therefore, by taking note of the said proposition, the first petitioner has rightly applied for appointment on compassionate ground to her son within three years from the date of death of her husband. Learned Senior counsel has also brought to the notice of this Court paragraph 6(iii) of the counter affidavit filed by the first respondent, wherein it is stated that they have sent a fresh proposal for compassionate appointment of the second petitioner to the Chief Office, Chennai, vide their proceedings dated 25.05.2015.

5. Therefore, recording the said proposal sent by the first respondent to the Chief Office, Chennai, vide their proceedings dated 25.05.2015, this Court directs the third respondent to appoint the second petitioner on compassionate ground befitting his educational qualification, within a period of ten weeks from the date of receipt of a copy of this order. It is stated in the counter affidavit that they have sent the proposal for compassionate appointment on the basis of amendment made in G.O.Ms.No.155, Labour and Employment Department, dated 10.12.2014. In my view, such a reason given in the counter affidavit cannot be sustained, since the first respondent has passed the impugned order only on 05.01.2015, therefore, he ought to have taken note of the said amendment while passing the impugned order in rejecting the request of the petitioner for appointment on compassionate ground. Accordingly, the impugned order is quashed as bereft of any merit.

6. With the above direction and observation, the writ petition stands disposed of. No Costs.

rkm

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

1. The Additional commissioner of Police,
Traffic Zone,
Vepery, Chennai - 7.
2. The Commissioner of Police,
Chennai City Police,
Egmore, Chennai - 8.
3. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 4.

+ 2 ccs to Mr.M.Balasubramanian, Advocate SR 9471

ad(co)
prk10/2

W.P.No.1629 of 2015



WEB COPY