

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 17.11.2016  
CORAM:  
THE HONOURABLE MR.JUSTICE R.SUBBIAH  
W.P.No.4458 of 2015  
and  
M.P.No.1 of 2015

J.Lawrence Peter

.. Petitioner

Vs.

1. The Government of Tamil Nadu,  
rep. by its Secretary,  
Labour and Employment (Q1) Department,  
Fort St.George, Chennai.
  2. The District Collector (Development Section),  
Ariyalur District,  
Ariyalur.
  3. The Tahsildar,  
Jayankondam Taluk,  
Jayankondam, Ariyalur District.
  4. The Block Development Officer,  
Andimadam,  
Jayankondam Taluk, Ariyalur District.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order in Na.Ka.Oo.Va.2/4280/2014, dated 23.12.2014 passed by the District Collector, Ariyalur District/the second respondent herein and to quash the same as unconstitutional, illegal and unlawful, with a consequential direction to the respondents herein to provide employment to the petitioner herein under Compassionate Ground on his representation, dated 15.09.2014, more particularly, within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Sathyanarayanan  
For Respondents : Mr.D.Suriya Narayanan,  
Govt. Advocate

## ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order in Na.Ka.Oo.Va.2/4280/2014, dated 23.12.2014 passed by the District Collector, Ariyalur District / the second respondent herein and to quash the same as unconstitutional, illegal and unlawful, with a consequential direction to the respondents herein to provide employment to the petitioner herein under Compassionate Grounds on his representation, dated 15.09.2014, more particularly, within a time frame as may be fixed by this Court.

2. It is stated by the petitioner that he is the only son of his father Late A.Joseph, who died on 03.06.2014 and he was in service with the Unoin Panchayat, Urban Development Department, Government of Tamil Nadu, in pursuant to his appointment dated 16.11.2006 as Office Assistant. As the petitioner's father joined the service only at the age of 46 years, he was not eligible for any benefits like provident fund, family pension, insurance fund, etc. The petitioner has studied upto X Standard, but discontinued his studies due to financial constraint and he is working only on daily wage basis in the village. After his father's death, he is taking care of his family including his affectionate and aged mother. It is his further case that no other member of the family is working and earning. The petitioner has registered himself in the Employment Exchange with Registration No.ARP 20/31400000618 and it is being renewed periodically.

3. It is the further case of the petitioner that the petitioner sent a representation, dated 15.09.2014 to the fourth respondent seeking employment on compassionate grounds, and though his representation/application had been forwarded through proper channel to the second respondent-District Collector on 01.10.2014, his case had not been considered. The other legal heirs of the petitioner's father, namely his mother and sister, have also given consent letters. After due enquiry and inspection as to whether any property belongs to the petitioner's family, as to whether the family has been sanctioned family pension, as to whether any other member of the family is working, and also on income capacity/poor situation, the representation of the petitioner was recommended by the third respondent by proceedings in Ti.Mu.Aa1/10066/14, dated 9/2014 for appointment. It is further stated by the petitioner that in the impugned order, dated 23.12.2014, by relying upon G.O.Ms.No.9, Labour and Employment Department Q1, dated 19.01.1998, it was observed that it is not possible to consider the petitioner's representation on the ground of age limit of 35 years. Challenging the said order dated 23.12.2014, the

petitioner has filed this Writ Petition for the relief stated supra.

4. Heard both sides and perused the materials available on record.

5. It is the main submission of the learned counsel for the petitioner that in identical circumstances, this Court in W.P.No.6082 of 2011, by order dated 23.08.2011, disposed of the said Writ Petition by relying upon an order of the Division Bench of this Court in W.P.No.744 of 2003, dated 27.10.2005 in the case of C.Jayapal Vs. The Director of Medical Education, Chennai-10 and others. It was also further observed in W.P.No.6082 of 2011 that in view of G.O.Ms.No.9, Labour and Employment Department, dated 19.01.1998, the upper age limit was enhanced from 30 to 35 years. Hence, this Court in W.P.No.6082 of 2011, quashed the impugned order therein and directed the second respondent therein to provide compassionate appointment to the petitioner therein, within a period of six weeks from the date of receipt of a copy of the order.

6. The above said order of this Court in W.P.No.6082 of 2011, dated 23.08.2011 is squarely applicable to the case of the petitioner. The petitioner herein is also placed in the same footing. Hence, following the said order, dated 23.08.2011 in W.P.No.6082 of 2011, this Court, while quashing the impugned order herein, dated 23.12.2014, directs the respondents to consider the claim of the petitioner positively, by giving an appointment to the petitioner on compassionate grounds, without reference to his age, within a period of eight weeks from the date of receipt of a copy of this order.

7. The Writ Petition is allowed to the extent indicated above. No costs. Consequently, the miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Asst.Registrar

/true copy/

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Sub Asst. Registrar

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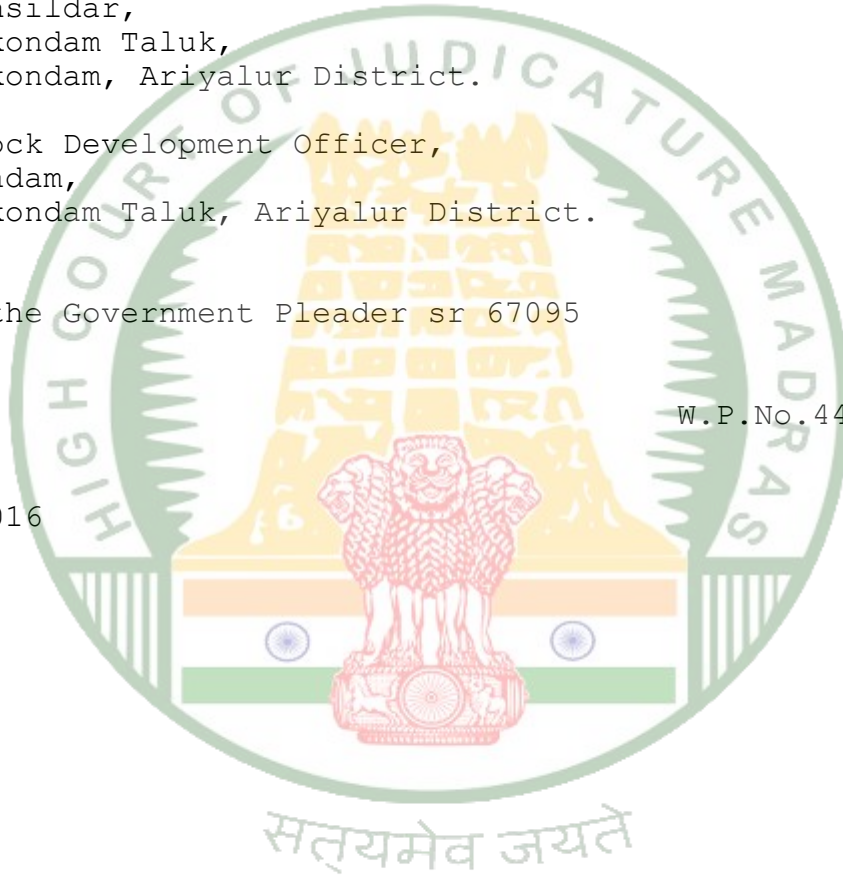
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1. The Secretary to  
The Government of Tamil Nadu,  
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+1 cc to the Government Pleader sr 67095

W.P.No.4458 of 2015

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aa15/12/2016



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