

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.11.2016

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.24361 of 2013 &
M.P.No.1 of 2013

S.Malathi

.. Petitioner

Vs.

- 1.The Director,
Office of the Director of Medicine and Rural Welfare,
Chennai.
 - 2.The Joint Director,
Office of Medicine and Rural Welfare and Family Welfare,
Thiruvavarur.
 - 3.The District Collector,
Thiruvavarur District,
Thiruvavarur.
- .. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari Mandamus calling for the records of order in O.Mu.No.34352/Ni Pi 8/1/2010 dated 17.05.2010 on the file 2nd respondent herein and quash the same and consequently direct the respondents to grant compassionate appointment to petitioner's son named S.Aravind in her place by considering her request dated 02.05.2008.

For Petitioner : Mr.N.Ponraj
For Respondents : Mr.R.Govindasamy,
Spl. Government Pleader

ORDER

The petitioner's husband while working as Office Assistant died on 26.12.2003 leaving behind the petitioner and 13 years old minor son S.Aravind as his legal heirs. Pursuant to the petitioner's husband's death, the petitioner had made an application dated 06.05.2005 to the second respondent seeking for appointment on compassionate ground. Since the said application was not considered for more than five years, she gave yet another application dated 02.05.2008 seeking for appointment on compassionate ground in favour of her son S.Aravind. The respondent had rejected the second application on

17.05.2010 on the ground that the application has been made belatedly. As against the same, the present writ petition is filed.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

3. It is now a well settled law that while entertaining compassionate ground appointments, when one of the legal heirs of the deceased employee had made an application within a period of three years and if the subsequent application is made at a later stage seeking appointment in favour of some other family member other than the one mentioned in the first application, the respondents are bound to consider the same without reference to the limitations for making application under compassionate ground. Hence, the reason of the respondent rejecting the second application is perverse and illegal and is therefore liable to be set aside.

4. Accordingly, the impugned order dated 17.05.2010 is quashed. The respondents are directed to consider the petitioner's application dated 02.05.2008 seeking for appointment on compassionate ground in favour of her son S.Arvind and issue a suitable appointment order in favour of the petitioner's son in consonance with his educational qualifications and other criteria, within a period of three months from the date of receipt of a copy of this order.

5. With the above observations, this writ petition is disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Director,
Office of the Director of Medicine and Rural Welfare,
Chennai.

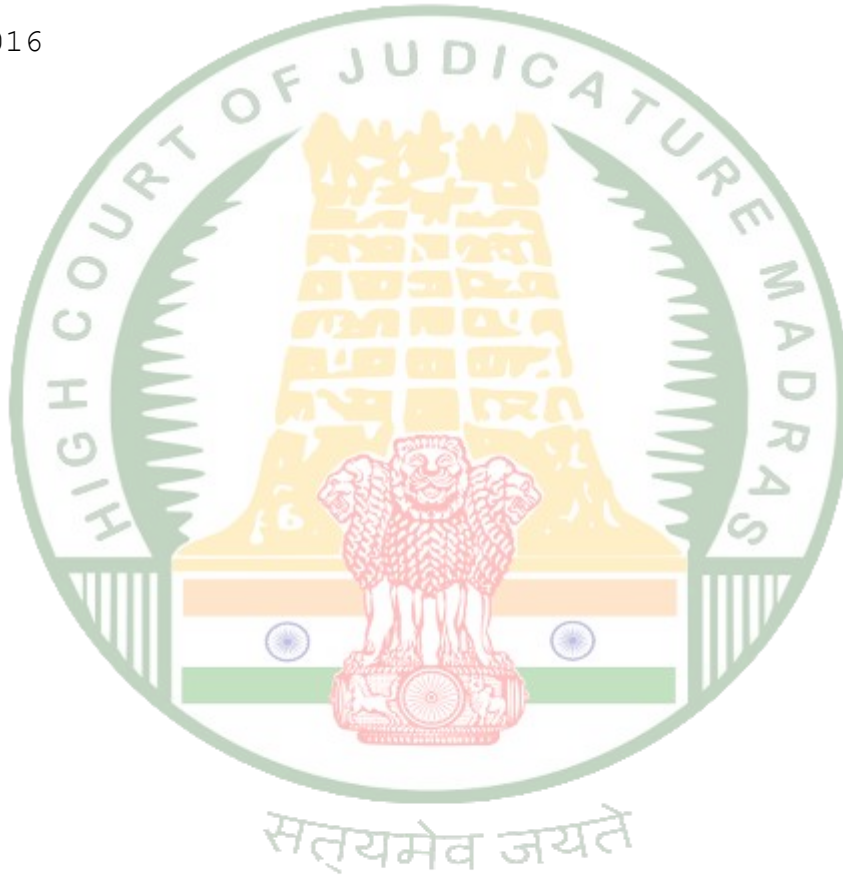
2. The Joint Director,
Office of Medicine and Rural Welfare and Family Welfare,
Thiruvavur.

3.The District Collector,
Thiruvarur District,
Thiruvarur.

+1 cc to M/s.N.Ponraj Advocate sr 68536
+1 cc to the Government Pleader sr 68112

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