



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2016

CORAM

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.15296 of 2014

M.Mansoor Ali

...Petitioner

vs.

1)The Joint Director,
Survey & Land Records Department,
Central Survey Office,
Chepauk,
Chennai.

2)The Assistant Director,
Office of the Survey and
Land Records Department,
Trichy.

...Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents herein to provide suitable job to the petitioner under the compassionate grounds due to the death of the petitioner father in service based on his representation dated 20.06.2014 within a time stipulated by this Honourable Court.

For Petitioner : Mr.B.Jameel Arasu

For Respondents : Mr.S.Chandrasekaran,
Government Advocate

ORDER

This Writ of Mandamus has been filed to direct the respondents herein to provide a suitable job to the petitioner on compassionate grounds, due to the death of the petitioner's father in service, based on his representation dated 20.06.2014 within a time frame.

2.The petitioner's father Mohammed Farooq, was working as a Draughtsman in the 1st respondent office; he died on 19.04.2006 while in service; at that point of time, the petitioner was a minor; the petitioner sent his representation for the first time on 20.07.2007 followed by the representations dated 19.09.2007 and 02.08.2007; by the communication dated 10.08.2007, the respondents asked the petitioner to produce some documents and accordingly, those documents were produced; the respondents also wanted the petitioner to produce the Certificate by the Tahsildar, certifying the indigent circumstances of the petitioner's family which was also produced; thereafter, on 12.10.2010, the claim of the petitioner was rejected on the ground that he was a minor on the

date of application for compassionate appointment.

3. Admittedly, minor is not eligible to get appointment. Eligibility to get appointment comes only on completion of 18 years of age and that cannot be the ground for the respondents to reject the claim of the petitioner. Now the petitioner is stated to be aged 22 years. The claim of the petitioner for appointment ought to have been considered after he attained the age of majority as per the decision of the Hon'ble Supreme Court in *Mohan Mahto vs. Central Coal Field Ltd., and others*, reported in AIR 2008 SC 39, wherein, a dictum has been laid down that if a person seeking appointment on compassionate grounds was minor at the time of filing of the application, the name of such person shall be kept on live roaster till he attains majority.

4. Under such circumstances, the impugned order is set aside and the respondents are directed to consider the representation of the petitioner dated 20.06.2014, seeking compassionate appointment, in the light of the decision reported in AIR 2008 SC 39 (supra) and to pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS)

Madurai Bench of Madras High Court,
Madurai-23.

To

1) The Joint Director,
Survey & Land Records Department,
Central Survey Office,
Chepauk, Chennai.

2) The Assistant Director,
Office of the Survey and
Land Records Department,
Trichy.

+1cc to M/s.B.Jameelarasu, Advocate in SR.57112

+1cc to the Special Government Pleader, in SR.57020

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nbi

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