



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2016

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.16026 of 2015

WEB COPY

Sugadev

.. Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
TWARD Board, Chepauk,
Chennai - 600 005.

2.The Executive Engineer
Tamil Nadu Water Supply and Drainage Board,
TWAD Board
RWS Division, Perambalur,
Perambalur District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to impugned order passed by the 1st Respondent vide proceedings in Kaditha No.000077/Pa.Ni.Pi/A-3/2015, dated 15.06.2015 and quash the same as illegal and consequently direct the 2nd Respondent to provide suitable employment to the petitioner under the compassionate ground within a stipulated by this Court.

For petitioner

... Mr.R.Karunanidhi

For Respondents

... Mr.M.Prabhu

O R D E R

The petitioner is seeking appointment on compassionate ground, in the respondents Board. The father of the petitioner was the Assistant Executive Engineer in the second respondent office and died during the course of employment on 03.09.2007. The petitioner was a minor on the date of death of his father. Though he had completed 10th standard, he could not continue his studies further. Even during the minority of the petitioner, the petitioner's mother had made an application for appointment on compassionate ground. The said application was received by the respondent on 09.07.2008. Again on 26.12.2014, an another application was made by the petitioner after attaining majority. As there was no response, the petitioner had moved this Court seeking a writ of mandamus directing the respondents to consider his representation. Thereafter, the first respondent had passed the impugned order dated 15.06.2015 rejecting the application on the ground that the petitioner had not completed 18 years of his age. The said order is now under challenge in the present writ petition.



2. In the counter filed by the second respondent, it is stated that as per the Government Order No.86/Q-1/2012-2, dated 04.05.2010, the minimum age for getting appointment on compassionate ground is 18 years. But on verification of legal heir certificate and 10th mark sheet of the petitioner enclosed with the application, he has completed only 15 years. Hence, the appointment on compassionate ground is refused and communicated to the petitioner through the JMD/Secretary cum General Manager, TWAD Board, Head Office, Chennai Ir.No.000077/A2/2015, dated 13.06.2015.

3. Heard both sides.

4. The date of birth of the petitioner, as seen from the SSLC certificate is 16.03.1993 and the date of death of his father was 03.09.2007. The petitioner has made an application for compassionate appointment through his mother on 04.07.2008. No doubt, on the date of application in 2008, he was a minor. However, he has made a second application on 26.12.2014 on which date, the petitioner had become a major. The second respondent without adverting to the relevant dates, had rejected the application in a mechanical manner holding that the petitioner was only 15 years and he has not become a major. From the SSLC certificate of the petitioner, it is clear that he is a major even on the date of making his application in the year 2014. Therefore, the contention of the respondent is unacceptable. The widow of the deceased had made the application within three years, which is the prescribed period for applying for compassionate appointment. As there was no response, the petitioner himself had made another application after attaining his majority. Even after that, the respondent without adverting the age, has mechanically rejected the application, which is liable to be set aside.

5. As the application has been made in time, the authorities should have considered the same within a reasonable time. Almost 8 years have been passed, since the application is made by the petitioner. In such circumstances, it is a fit case for considering his appointment on compassionate ground, as no other acceptable reason is pointed out by the learned counsel for the respondents for rejecting the application of the petitioner.

6. In view of the above, the impugned order, dated 15.06.2015, passed by the first respondent is set aside and the writ petition is allowed. The respondents are directed to consider the application of the petitioner for appointment on compassionate ground, within a period of four weeks from the date of receipt of a copy of this order and to provide an appropriate appointment, within a reasonable time. No order as to costs.

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar



To

1.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
TWARD Board, Chepauk,
Chennai - 600 005.

2.The Executive Engineer
Tamil Nadu Water Supply and Drainage Board,
TWAD Board
RWS Division, Perambalur,
Perambalur District.

+1 CC to Mr.R.KARUNANIDHI, Advocate, SR No.9407

+1 CC to Mr.PORKODI KARNAN, Advocate, SR No.9141

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