

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4011 of 2017

and W.M.P.No.4112 of 2017

K.Manikandan

... Petitioner

Vs.

1.The District Collector of Krishnagiri,
Collectorate, Krishnagiri.

2.The District Revenue Officer,
Collectorate, Krishnagiri - 635 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorari field mandamus to call for the records relating to the order of the 1st respondent namely the District Collector of Krishnagiri in Na.Ka.No.5187/2013/A3 dated 12.09.2016 and to quash the same and consequently direct the 1st respondent namely the District Collector of Krishnagiri to prove the petitioner an appointment on compassionate ground.

For Petitioner : Mr.N.E.A.Dinesh
for M/s.V.Nicholas

For Respondents: Mr.R.A.S.Senthilvel,
Additional Government Pleader

ORDER

By consent, the Writ Petition is taken up for final disposal.

2.The petitioner would aver that his father was working as Village Assistant in Sikkadi Village, Krishnagiri Taluk and District and died in harness on 03.01.2011, leaving behind his mother Manjula, eldest sister Nalini, younger brother Ajithkumar, apart from him, as his legal heirs. It is the specific claim of the petitioner that his family was solely

dependent on the income/salary earned by his father and on account of his sudden demise, the family is left in lurch and therefore, his mother made an application on 10.12.2012 seeking appointment on compassionate ground in favour of the petitioner. It is the claim of the petitioner that he has passed 12th Standard, his elder sister had already been married and his younger brother is aged about 17 years and undergoing studies and that his mother, eldest sister and younger brother have also given No Objection Certificate so as to enable the petitioner to get appointment on compassionate ground. However, his claim was rejected vide order of the 1st respondent dated 12.09.2016 on the ground that on the date of submission of the application on 12.12.2012, the petitioner was aged 17 years 7 months and 9 days and as such, his request for compassionate ground appointment cannot be considered and challenging the legality of the same, came forward to file this Writ Petition.

3. Mr.N.E.A.Dinesh, learned counsel appearing for the petitioner has drawn the attention of this Court to the materials placed and would submit that the petitioner is now aged about 22 years and in view of the reasons assigned in the impugned order, there is no impediment on the part of the petitioner to submit a fresh application in continuance of the previous application and therefore, prays for appropriate direction to direct the 1st respondent to consider and dispose of the same on merits and in accordance with law with the stipulated time.

4. Per contra, Mr.R.A.S.Senthilvel, learned Additional Government Pleader would submit that taking into account of the fact that the petitioner was admittedly attained the age of majority and as such, his application require to be processed and prays time for getting instructions.

5. This Court heard the rival submission and perused the materials placed before it.

6. The application dated 12.12.2012 submitted seeking appointment on compassionate ground in favour of the petitioner came to be rejected vide impugned order passed by the 1st respondent solely on the ground that the petitioner was below the age of 18 years. Admittedly, the petitioner is now aged 22 years and therefore, there cannot be any impediment on the part of the respondents to consider his fresh application seeking for appointment on compassionate ground.

7. In the light of the above facts and circumstances, this Court is of the view that the impugned order is liable to be set aside with liberty to the petitioner to submit an application

seeking appointment on compassionate ground and the 1st respondent is directed to consider and pass appropriate orders.

8. In the result, the Writ Petition is partly allowed. The impugned order of the 1st respondent dated 12.09.2016 is set aside and the petitioner is permitted to submit a fresh application seeking appointment on compassionate ground within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the 1st respondent shall consider the said representation/application in continuance of his earlier application dated 12.12.2012 on merits and in accordance with law and pass appropriate orders within a further period of ten weeks thereafter and communicate the decision taken, to the petitioner.

9. The Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector of Krishnagiri,
Collectorate, Krishnagiri.

2.The District Revenue Officer,
Collectorate, Krishnagiri - 635 001.

+1cc to Mr.V. Nicholas, Advocate, S.R.No.10391

+1cc to the Government Pleader, S.R.No.10731

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