

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 06.07.2017

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.25161 of 2014

S.Sangeetha

.... Petitioner

vs

The District Collector,
Thiruvannamalai,
Thiruvannamalai District.

.... Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the entire records which culminated in issuing the proceedings in Na.Ka.7524/2014/Pa3 dated 21.07.2014 on the file of the respondent, quash the same and consequently direct the respondent to appoint the petitioner in any suitable post befitting to her educational qualification on compassionate grounds within a time limit stipulated by this Court.

For petitioner : Mr.S.Mani

For respondents: Mr.R.E.S.Senthil Vel, AGP

ORDER

The present writ petition has been filed, seeking for the following relief:

"Issue Writ of Certiorarified Mandamus, to call for the entire records which culminated in issuing the proceedings in Na.Ka.7524/2014/Pa3 dated 21.07.2014 on the file of the respondent, quash the same and consequently direct the respondent to appoint the petitioner in any suitable post befitting to her educational qualification on compassionate grounds within a time limit stipulated by this Court.

2. The case of the petitioner is that her father Late Sampath, while working as Road Inspector, died in harness on 19.7.2004. Upon his death, an application seeking appointment on compassionate grounds was made by the widow of the deceased on 18.5.2005 for herself or any of her

children including the petitioner herein. According to the petitioner, right from the date of application, she has been approaching the office of the respondent to know the status of the requisition made for compassionate appointment and whenever, she approached, she has been informed that her application was kept pending for consideration by the competent authority.

3. In view of long lapse of time, the petitioner is said to have submitted her request through Hon'ble Chief Minister's Cell in 2014 and in response to the same, the impugned order came to be passed on 21.07.2014 by the respondent, rejecting the request of the petitioner on the ground that the application was not submitted within three years from the date of the death of the employee in terms of the G.O.Ms.No.202, dated 8.10.2007. It is further stated in the impugned order that as on the date of application made to the Hon'ble Chief Minister's Cell, the petitioner had already crossed the age of 35 years and therefore, even otherwise, she is not entitled to seek compassionate appointment.

4. Learned counsel appearing for the petitioner would submit that the respondent had erroneously rejected the application submitted by the petitioner for compassionate appointment by taking into consideration as if the application had been submitted for the first time only on 23.5.2014 without considering the earliest application which was sent immediately after the death of her father on 18.5.2005. In the said circumstances, the impugned order cannot be sustained both in law and on facts.

5. On behalf of the respondent, a counter affidavit has been filed, however, in the said counter, no reference has been made as regards the application originally made on behalf of the petitioner on 18.5.2005 and also there is no specific denial of the same.

6. Learned Special Government Pleader appearing for the respondent reiterated the reasons set forth in the impugned order dated 21.7.2014.

7. Upon consideration of the rival submissions and on perusal of the records, this Court is of the view that the reasons set forth in the impugned order dated 21.7.2014 cannot be countenanced both in law and on facts. Needless to mention that the authority who passed the order, lost at sight that there was originally a requisition made on behalf of the petitioner on 18.5.2005 on which date, the petitioner was fully eligible for being considered for

compassionate appointment in terms of the age conditions. In such view of the matter, the impugned order is liable to be quashed.

8. Accordingly, the impugned order dated 21.07.2014 passed by the respondent is set aside and the respondent is directed to consider the case of the petitioner afresh by taking into consideration the original requisition made on behalf of the petitioner on 18.5.2005 in terms of the relevant G.O. of the subject matter and pass appropriate orders in accordance with law, within a period of two months from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To:

The District Collector,
Thiruvannamalai,
Thiruvannamalai District.

+1cc to Mr.S.Mani, Advocate sr.46993

+1cc to Government Pleader sr.47244

W.P.No.25161 of 2014

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ss(19/7/2017)

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