

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 6.10.2017

CORAM

**THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN**

C.M.P.No.5882 of 2016

in

W.A. SR.25234 of 2016

and

W.A. SR.25234 of 2016

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai 606 604.

2. Tahsildar,
Vandavasi Taluk,
Tiruvannamalai District.

Petitioner/Appellants

Versus

C.Saritha

Respondent/Respondent

Prayer: Petition filed under Section 5 of the Limitation Act to condone the delay of 810 days in filing the above Writ Appeal against the order dated 9.12.2013 made in W.P.No.33272 of 2013.

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 9.12.2013 made in W.P.No.33272 of 2013 on the file of this court.

For petitioners/appellants : Mr.R.Prathapkumar,
Additional Government Pleader

For respondent : Mr.Lakshminarayanan for
Mr.P.Rajendran

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Challenging the order passed by the learned Single Judge directing the appellants to consider the claim of the writ petitioner positively, the present writ appeal has been filed with a petition to condone the delay of 810 days in filing the appeal.

2. Counter affidavit has been filed by the respondent herein/writ petitioner bringing to our notice that the Government had issued order in G.O.Ms.No.78, Labour and Employment Department dated 21.4.2017 making it clear that even married daughter also can be appointed on compassionate grounds.

3. In the case on hand, the stand of the Government is that such G.O. is a prospective and not a retrospective one.

4. We are not convinced with the submission made by the learned Additional Government Pleader that the G.O. is a prospective one. If at all, only rider that could be added to the Government Order is that the married daughter shall undertake to maintain the family of her parents, who were dying in harness. With that condition, appointment orders could be extended and in case any complaint is received that such a married daughter is not taking care of their parents, who are dying in harness, such appointment could be cancelled and with that condition, it is for the Government to consider the case of the petitioner to extend the appointment within three months from the date of receipt of a copy of this judgment.

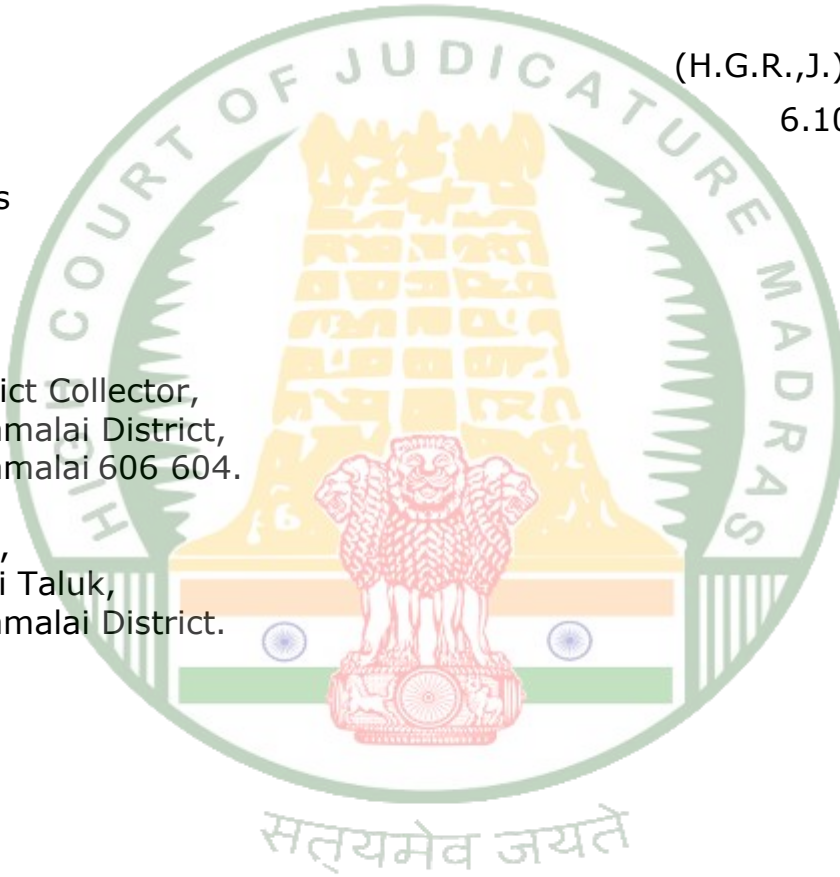
5. Apart from the above observation, we also do not find any reason to condone the abnormal delay of 810 days in filing the writ appeal. Therefore, the petition seeking to condone the delay is dismissed and consequently, the writ appeal at SR stage is rejected. No costs.

(H.G.R.,J.)(T.K.R.,J.)
6.10.2017.

Index:Yes
Internet:Yes
ssk.

To

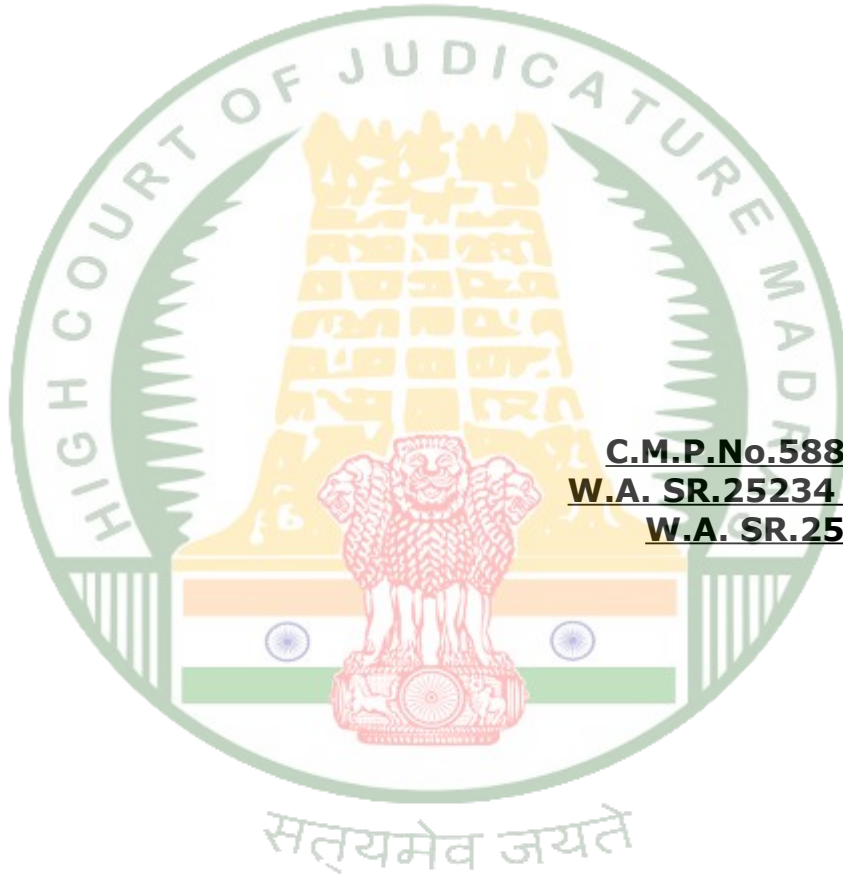
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**HULUVADI G. RAMESH, J.
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