

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.09.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.245 of 2016
and W.M.P.No.143 of 2016

M. Vijayakumar

.. Petitioner

vs

1.The Director of Municipal Administration,
6th Floor Ezhilagam, Annex Building,
Chepauk,
Chennai-600 005.

2.The Commissioner,
Mettur Municipality,
Salem District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus or any other appropriate writ or order or direction particularly in the nature of writ, calling for the records pertaining to the impugned proceedings issues by the 2nd respondent in Na.Ka.No.6416/2015/H1, dated 25.09.2015, quash the same and direct the respondents to consider the petitioner for compassionate appointment in the place of his deceased mother.

For Petitioner : Mr. R. Subramanian

For Respondents : Mr.K. Dhananjayan
Special Government Pleader for R1

: Mr. S. Saravanan for R2

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O R D E R

The order of rejection, rejecting the claim of the writ petitioner for compassionate appointment in proceedings dated 25.09.2015 is under challenge in this writ petition.

2. The learned counsel appearing for the writ petitioner made a submission that the mother of the writ petitioner was working as sweeper in the Mettur Municipality, Salem and died on

22.06.2014, while she was in service. Subsequently, the writ petitioner made an application seeking compassionate appointment on 15.09.2015 itself and the same was rejected in proceedings dated 25.09.2015, on the ground that the writ petitioner has attained the age of 37 years and therefore, no appointment on compassionate ground can be provided.

3. The learned Special Government Pleader appearing on behalf of the first respondent made a submission that the District Collector in his proceedings dated 05.11.2015 sent a communication to the Tahsildar, Mettur to initiate action on the representation submitted by the writ petitioner. Further, the age limit applicable to the post to which the application was submitted is 35 years and therefore the case of the writ petitioner cannot be considered.

4 The learned counsel appearing for the writ petitioner submitted that there are certain posts where no such age limit of 35 years is prescribed including the posts of Sweeper, Gardener, Cook assistant and etc. In the said post a person can be appointed even after completion of the age of 35 years. Compassionate appointment being a special scheme framed by the Government, in order to, mitigate the indigent circumstances arising on account of the sudden demise of Government employee. This being the scope of the scheme, the respondent ought to have considered the case of the writ petitioner for appointment in any one of the other posts cited supra, wherein, no such age limit is prescribed. Further, the writ petitioner is ready to work in any suitable post against which an appointment order is issued, since the family is in indigent circumstances.

5. The claim made by the writ petitioner is very much reasonable and the object of the scheme is to provide appointment on compassionate ground, if the family is in indigent circumstances. This apart there is no delay in submitting the application after the demise of the deceased employee. In this view of the matter, the case requires reconsideration by the respondents. Accordingly, the order impugned in this writ petition passed by the second respondent in proceedings Na.Ka.No.6416/2015/H1, dated 25.09.2015, is quashed and the respondents are directed to reconsider the case of the writ petitioner, for appointment to any one of the post where there is no age limit of 35 years is prescribed on compassionate ground, within a period of eight weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition stands allowed.
Consequently connected Miscellaneous Petition is also closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

rpl

To

1.The District Collector,
Villupuram District,
Villupuram.

2.The Block Development Officer,
Koliyanur Panchayat Union,
Koliyanur.

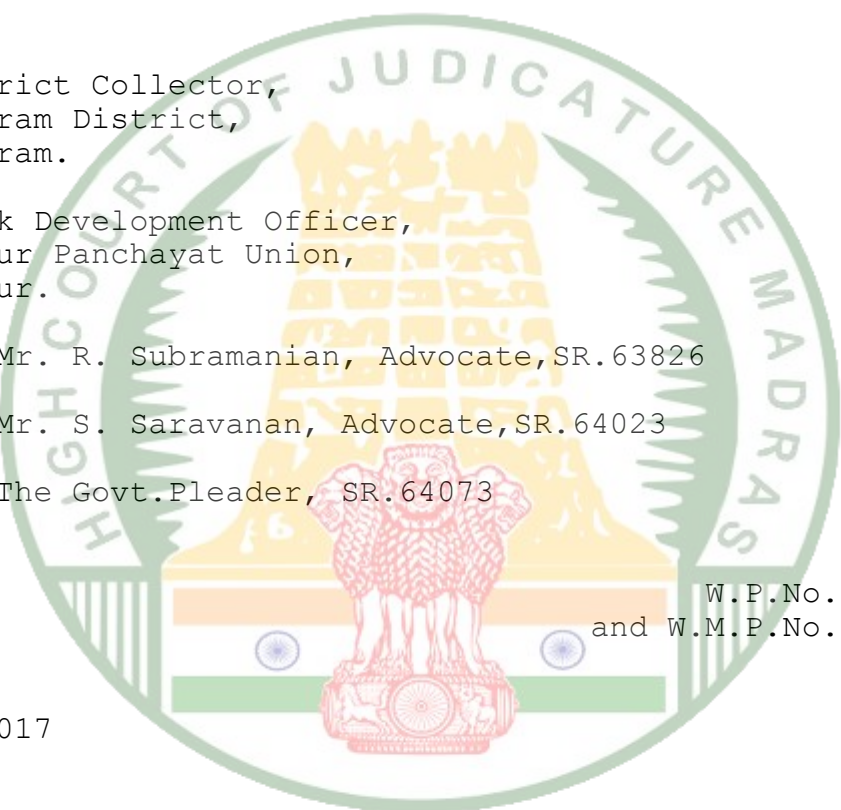
+ 1 cc to Mr. R. Subramanian, Advocate, SR.63826

+ 1 cc to Mr. S. Saravanan, Advocate, SR.64023

+ 1 cc to The Govt.Pleader, SR.64073

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RSI (CO)
NR 04/10/2017

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the gopuram is a red lion capital on a base. The entire emblem is set against a background of a green and white striped field. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a green arc around the top of the emblem. At the bottom, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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