



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2017

CORAM :

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD) No.16904 of 2014

S.A.Saburnisha

... Petitioner

Vs.

1. The District Collector,
Thanjavur District,
Thanjavur.

2. The District Treasury Officer,
District Treasury,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings O.Mu.Ka.No.10443/2011/A2 dated 28.11.2011 and quash the same and further direct the respondents to appoint the petitioner's son namely Sugaibbu Syed S/o. Mohammed Abdul Rasid on compassionate ground within a time frame as fixed by this Honourable Court.

For Petitioner :Mr.B.Prahalad Ravi
for Hallmark Associates
For Respondents :Mr.N.S.Karthikeyan,
Additional Government Pleader

ORDER

This Writ Petition is filed by the petitioner, challenging the impugned order passed by the second respondent dated 28.11.2011, rejecting the petitioner's representation seeking appointment on compassionate ground.

2.The fact of the case is that the petitioner is the first wife of one Mohammad Abdul Rashid, who died on 06.06.2007, while he was in service. Subsequently, the petitioner filed an application in the year 2007, claiming the retirement benefits of her husband. It is also submitted that another lady by name Noorjahan, second wife of the petitioner's husband had filed an application for appointment on compassionate ground, and the same is pending. However, the application filed by the second wife has not been processed. The petitioner filed an application on 17.06.2011, seeking appointment to her son. The said application was rejected on the ground that, the application dated 17.06.2011, is beyond the period of limitation, as the petitioner's husband



died on 06.06.2007. Challenging the same, the present Writ Petition has been filed.

3. The grievance of the petitioner is that due to some disputes pending before the Civil Court, the petitioner could not file the application seeking appointment on compassionate ground. However an application was pending at the instance of second wife of the petitioner's husband. In such circumstances, it is contended that the application submitted by the petitioner can be treated as one in continuation of the application, that was filed by the second wife of the petitioner.

4. Though the contention of the learned Counsel for the petitioner cannot be accepted, in my considered opinion, issue in this case can be considered sympathetically. The impugned order shows that the application filed by the petitioner in the year 2011, was rejected purely on the ground of limitation. Since the application seeking appointment on compassionate ground at the instance of another dependant was pending from 2007, and the same was not considered due to administrative reason, this Court feels that an opportunity can be given to the the petitioner to seek appointment on compassionate ground.

5. In such circumstances, the impugned order passed by the second respondent dated 28.11.2011, is set aside and the matter is remitted back to the second respondent to consider the petitioner's application as one in continuation of the application for appointment on compassionate ground filed by the first wife of the petitioner's husband in the year 2007. The application of the petitioner dated 17.06.2011, shall be considered by the second respondent on merits in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Thanjavur District, Thanjavur.
2. The District Treasury Officer,
District Treasury, Thanjavur District.

+1 CC to M/s.B.PRAHALADRAVI, Advocate, SR No. 59538.

CMR/GSP

<https://hsepublicrecords.gov.in/publicservices/> BSM/KKR/SAR/30/06.2017/2P/4C

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