



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2017

CORAM :

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

W.P. (MD) No.17173 of 2014

S.Dhatchinamoorthi

... Petitioner

Vs.

1.The Director of Medical Services,
Teynampet,
Chennai - 600 018.

2.The Joint Director of Medical Services,
Ramanathapuram.

3.The Medical Officer,
Office of The Medical Officer,
Government Hospital,
Kamuthi - 623 603,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 3rd Respondent in his proceedings Na.Ka.No.155/Ni/2013 dated 26.06.2014, quash the same as illegal and consequently directing the Respondents herein to consider the petitioner's application dated 18.10.2013 seeking for appointment on compassionate ground forthwith.

For Petitioner :Mr.D.Srinivasa Ragavan
For Respondents :Mr.N.S.Karthikeyan,
Additional Government Pleader

ORDER

This Writ Petition has been filed by the petitioner, challenging the order of the third respondent dated 26.06.2014, rejecting the petitioners representation for seeking appointment on compassionate ground. The petitioner's father died on 01.06.2010, while he was in service. At the time of death of petitioner's father, the petitioner was a minor. Admittedly, the petitioner's date of birth is 05.05.1993.

2.The petitioner submitted an application dated 18.10.2013, which was well with in three years from the date on which the petitioner became major, but beyond the period of three years from the date of death of petitioner's father. It was in these circumstances, the third respondent passed the impugned order on

26.06.2014, rejecting the application of the petitioner only on the ground that the application is beyond the period of limitation, as the same is filed after the period of three years.

3.The Honourable Supreme Court and this Court, in many occasions have accepted the position that the minor dependant of the deceased employee is also entitled for appointment on compassionate ground by filing proper application within a period of three years from the date of becoming major, however subject to satisfying the other requirements provided by rules and regulations.

4.Hence, the impugned order dated 26.06.2014 passed by the second respondent is set aside and the first respondent is directed to consider the petitioner's application dated 18.10.2013 and dispose of the same purely on merits and in accordance with law within a period of six weeks from the from the date of receipt of copy of this order.

5.With the above directions, the Writ Petition is disposed of. No Costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The Director of Medical Services,
Teynampet,
Chennai - 600 018.

2.The Joint Director of Medical Services,
Ramanathapuram.

3.The Medical Officer,
Office of The Medical Officer,
Government Hospital,
Kamuthi - 623 603,
Ramanathapuram District.

+1cc to Mr.D.Srinivasa Ragavan Advocate in SR. No.59530
CMR/GSP
JS/KP/SAR.1/22.06.2017/2P-5C

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