



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A. [MD].No.151 of 2017

Geetha

...Appellant/Petitioner

Vs.

1.The Secretary,
Revenue Department,
St. George Fort,
Secretariat,
Chennai - 600 009.

2.The District Collector,
Madurai District,
Madurai - 625 020.

3.The Personnel Assistant (General)
to the District Collector,
Madurai District Collector Office,
Madurai - 625 020.

... Respondents / Respondents

PRAYER : Writ Appeal is filed under Clause 15 of the Letters Patent, to set aside the order passed by this Court, dated 02.01.2017 in WP(MD)No.21744 of 2016.

Prayer in WP(MD). 21744/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for records pertaining to the impugned order passed by the 2nd Respondent vide proceeding in Na.Ka.No.27415/16G1 dated 30.06.2016 and quash the same as illegal and consequently to direct the Respondents 1 to 3 to give employment to the petitioner under compassionate appointment scheme.

For Appellant : Mr.R.Karunanidhi

For Respondents : Mr.J.S.Mohammed Mohideen
Additional Government Pleader

**JUDGMENT**

[Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**]

This Writ Appeal is at the instance of the unsuccessful writ petitioner.

2.The writ petitioner's father was working as Village Assistant at Thamaraipatti Village, Madurai North Taluk, Madurai District. He passed away on 17 October 1988, while in service. He died leaving behind the writ petitioner's mother, five daughters and a son. The writ petitioner belongs to Hindu Sakkiliyan community which falls under the Scheduled Caste category. The writ petitioner's mother viz., Pandiammal submitted an application on 27 September 1999, seeking compassionate appointment for the petitioner's brother viz., Balasubramanian. The District Collector, Madurai received the said application vide Grievance Petition No.6554, dated 27 September 1999, but declined the request. On the account of the severe economic crisis faced by the family, the writ petitioner's mother has been submitting applications. In order to support the mother, the writ petitioner applied on 27 June 2016 seeking compassionate appointment. The second respondent herein passed the impugned order dated 30 June 2016, rejecting the writ petitioner's request, on the ground that the application has been made 17 years, after the death of her father. Hence, the appellant has filed W.P.(MD).No.21744 of 2016. The learned Single Judge referred to the delay in seeking compassionate appointment and sustained the order of rejection passed by the second respondent herein. Hence this intra court appeal has been filed.

3.We heard the learned counsel for the appellant as well as the respondents.

4.We bestowed our anxious consideration. The appellant belongs to Hindu Sakkiliyan community which is classified as Scheduled Caste (Arundadhiar). She is in the lowest social strata. Admittedly, the writ petitioner's mother gave an application for compassionate appointment within one year from the date of death of the writ petitioner's father. This aspect of the matter was not taken note of by the second respondent. In the fact and circumstances of the case, if the writ petitioner was otherwise eligible, her case ought to have been sympathetically considered. If no application had been submitted within three years from the date of death of the employee in question and a request is made belatedly, it can be rejected. But in the present case, the application was in fact made within three years from the date of death of the petitioner's father. Of course, the writ petitioner was a minor then. Therefore, taking into account the social and economic condition of the writ petitioner,



we are of the view that the writ petitioner cannot be denied the consideration of her claim by a mechanical application of the limitation period set out in the scheme. We therefore, allow this Writ Appeal and set aside the order dated 30 June 2016 in Na.Ka.No.27415/2016/G1, and remit the matter to the file of the second respondent, who shall reconsider the case of the writ petitioner afresh. The second respondent shall pass an appropriate orders with regard to grant of compassionate appointment to the writ petitioner, based on her qualification within a period of eight weeks from the date of receipt of a copy of this order.

5.The writ appeal is allowed as indicated above. No costs.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

1.The Secretary,
Revenue Department,
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2.The District Collector,
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Madurai - 625 020.

3.The Personnel Assistant (General)
to the District Collector,
Madurai District Collector Office,
Madurai - 625 020.

+1cc to M/S.Special Government Pleader,SR. 65315

+1cc to M/S.Karunanidhi,Advocate,SR. 65098

W.A.[MD].No.151 of 2017
12.07.2017

KM/GSP/DAS

KK/SV/SAR1/27.07.2017/3P-6C/