



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 27.07.2017

Pronounced on : 04.08 .2017

CORAM :

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

W.A(MD)No.198 of 2017
and
C.M.P(MD) .No.2018 & 3727 of 2017

1.The Director,
Tamil Nadu Fire and Rescue Service Department,
No.1, Creams Road,
Chennai-16.

2.The District Officer,
Tamil Nadu Fire and Rescue Department,
Ramanathapuram District.

3.The Divisional Officer,
Tamil Nadu Fire and Rescue Department,
Ramanathapuram,
Ramanathapuram District.

... Appellants

Vs.

Lakshmi Narayanan

... Respondent

Prayer : This Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order dated 29.11.2016 made in W.P(MD) No.21462 of 2016.

Prayer in WP(MD) . 21462/ 2016 :

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records pursuant to the 2nd respondent impugned order passed by his proceedings in Na.ka.No.6720/Aa1/2008, dated 04.05.2016 and quash the same and consequently direct the respondents to provide an appointment to the petitioner under the compassionate ground in their department.

For Appellants : Mr.T.S.Md.Mohideen, A.G.P
For Respondent : Mr.J.John

**J U D G M E N T****(Judgment of the Court was made by G.R.SWAMINATHAN, J.)**

This writ appeal is directed against the order dated 29.11.2016 allowing WP(MD).No.21462 of 2016 filed by the respondent herein.

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2.The respondent herein lost his father on 15.06.2008. He was a minor then. He was in 10th standard while his brother Vignesh was studying in 9th standard. Following his father's demise, the entire family fell into severe economic distress. Since his mother was not educationally qualified, she could not seek compassionate appointment. Unfortunately tragedy struck again when the writ petitioner's mother was murdered on 18.01.2011. The writ petitioner's younger brother also committed suicide in the year 2012. With great difficulty, the petitioner completed his studies and is holding a degree in Civil Engineering. He represented to authorities seeking compassionate appointment. But the application was rejected on the ground it was not submitted within three years. The order of rejection dated 04.05.2016 was questioned by filing WP (MD).No.21462 of 2016.

3.The learned Judge taking note of the successive tragedies suffered by the writ petitioner took an indulgent view and directed the appellants to consider the writ petitioner's case sympathetically as well as positively and to provide appointment on compassionate ground.

4.The learned Additional Government Pleader appearing for the appellant pointed out that the application was not submitted within three years. But, the limitation principle invoked by the Additional Government Pleader ought not to be applied in the present case for the reasons assigned by the learned Single Judge.

5.As rightly observed by the learned Single Judge, there can be exception to the rule of the limitation in certain special circumstances. The learned Judge allowed the writ petition only taking note of the special circumstances obtaining in this case. We therefore do not want to interfere with the order granting relief to the respondent herein. This writ appeal is therefore dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

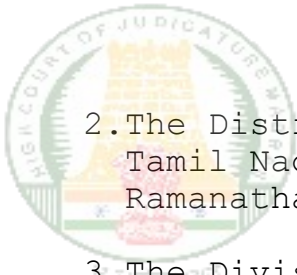
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Director,
Tamil Nadu Fire and Rescue Service Department,
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Chennai-16.



2.The District Officer,
Tamil Nadu Fire and Rescue Department,
Ramanathapuram District.

3.The Divisional Officer,
Tamil Nadu Fire and Rescue Department,
Ramanathapuram,
Ramanathapuram District.

+1cc to Mr.J.JOHN Advocate in SR. NO.70550

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.71358

SKM/ARUL

JS/JC/SAR.4/11.08.2017/3P-6C

Pre Deliver Judgment made in
W.A(MD)No.198 of 2017
and
C.M.P(MD) .No.2018 & 3727 of 2017
04.08.2017