



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.(MD)No.283 of 2017
and
C.M.P(MD)No.3046 of 2017

1.The District Collector,
Collectorate,
Madurai District,
Madurai.

2.The Tahsildar,
North Taluk,
Collectorate,
Madurai.

... Appellants/
Respondents

Vs.

J.Vadivel Ramanan

... Respondent/
Petitioner

PRAYER: Appeal filed under Clause 15 of the Letters Patent, against the order passed in W.P(MD)No.4283 of 2015, dated 02.12.2016.

Prayer in WP(MD). 4283/ 2015 :

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 the records pertaining to the _____ impugned _____ order _____ in _____ Na.Ka. No. 73824/ 2011/G1 dated 01.10.2014 on the file of the Respondent No. 1 and quash the same as illegal and consequently for a direction directing the Respondent No.1 to provide appointment to the petitioner in the post of Junior assistant in revenue Department or in any other competent post on compassionate grounds within the time period stipulated by this Honble Court.



For Appellants : Mr.V.Muruganantham

Additional Government Pleader

JUDGMENT

(Judgment of the Court was delivered by **T.S.SIVAGNANAM,J.**)

This appeal by the District Collector, Madurai District and the Tahsildar, Madurai North Taluk, is directed against the order dated 02.12.2016, made in a writ petition filed by the respondent herein.

2. The respondent sought for setting aside the order passed by the first respondent on 01.10.2014 whereby the request made by the respondent for grant of appointment on compassionate ground was rejected on the ground that it has been submitted after five years of the demise of the employee. The respondent's father was working as Village Administrative Officer and died in harness on 11.07.2000. The respondent's sister submitted an application on 17.08.2000 requesting for appointment on compassionate ground.

3. It is not in dispute that the said application is pending and no orders were passed and subsequently, it appears that the sister of the respondent was willing to forego her right and therefore, another representation was made on 04.05.2005 requesting that the appointment may be offered to the respondent. This representation was not considered till 23.07.2008. This was due to the ban imposed by the Government for appointing candidates in Government jobs. Thereafter, the application stood rejected on the ground that it has been made beyond the period of five years after the demise of the employee.

4. The Writ Court after considering the case of the respondent and the contentions advanced by the appellants, observed that the order of rejection of the application for appointment on compassionate ground was on two grounds, namely, the respondent cannot make a fresh application when the earlier application submitted by his mother on behalf of his sister, is pending and secondly, there is a delay in submitting the application.

5. The Writ Court took into consideration the decision of the Division Bench of this Court in **Mohanambal v. The Director, Land and Survey Department** reported in **2011 (1) CTC 349**, and held that the second application/representation made by the respondent/writ petitioner should be treated as an extension of the first application/continuation of the first application and therefore, held that the question of delay does not arise.



6. We are in full agreement with the view expressed by the learned Single Judge as admittedly, the application submitted on behalf of the daughter of the deceased employee was never considered or rejected till the respondent made a request to offer employment to him. Thus, we find no ground to interfere with the order passed by the learned Single Judge.

7. Accordingly, the writ appeal fails and the same is dismissed. No costs. Consequently, the connected civil miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(C)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Collectorate, Madurai District,
Madurai.
2. The Tahsildar,
North Taluk, Collectorate,
Madurai.

+1cc to Spl.Government Pleader Sr.No.50746

rsb

vb/skn/20.04.2017/3p/4c

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and

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