



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.08.2017**

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A. (MD) No.788 of 2017

and

C.M.P. (MD) No.5609 of 2017

1. The Assistant Director of
Survey Land Records,
Office of the District Survey Land Records,
Survey Land Records Department, Collectorate,
Virudhunagar District.
2. The Principal Secretary / Commissioner,
Survey Land Records Department,
Survey House,
Chepauk, Chennai - 600 005. .. Appellants / Respondents

Vs.

S.Uma Maheswari .. Respondent / Petitioner

PRAYER: Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 18.06.2014 made in W.P.(MD).No.16264 of 2012, on the file of this Court.

Prayer in WP(MD). 16264/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records of the first respondent in Na.Ka.No A2/856/10 dated 24.12.2010 and quash the same as illegal and direct the respondent to give an appointment on compassionate ground to the petitioner without undue delay.

For Appellants

: Mr.T.S.Mohammed Mohideen

Additional Government Pleader

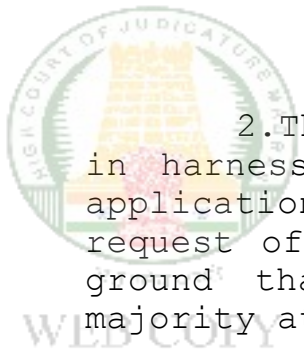
For Respondent

: Mr.N.Sudalaimuthu

JUDGMENT

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

This writ appeal is directed against the order dated 18.06.2014 allowing W.P.(MD).No.16264 of 2012 filed by the respondent herein.



2.The father of the writ petitioner/ respondent herein died in harness in the year 2006. The writ petitioner submitted an application on 04.07.2008 seeking compassionate appointment. This request of the writ petitioner was rejected on 04.05.2010 on the ground that the writ petitioner did not attain the age of majority at the time of submitting the application.

3.Aggrieved by the said order of rejection writ petitioner filed W.P.(MD).No.16264 of 2012. The learned single Judge quashed the order of rejection and allowed the writ petition with a direction for consideration of the application seeking for appointment on compassionate ground. This order has been questioned on the ground that the writ petitioner was minor when she made the application for compassionate appointment and therefore her application was not maintainable.

4.Heard the learned Additional Government Pleader appearing for the appellants and the learned counsel appearing for the respondent.

5.The contention of the appellants is directly answered by the decision of the Hon'ble Supreme Court, in the case of **Syed Khadim Hussain Vs. State of Bihar and Others**, reported in **(2006) 9 SCC, 195**. The facts obtaining in the said decision and the present case are similar. In the said case also when the applicant submitted an application for compassionate appointment, he was minor, but, when the order of rejection was passed the applicant attained majority. When the applicant made application for compassionate appointment in the year 2008, the authorities did not immediately pass the order of rejection. The order of rejection came to be passed only in the year 2010. By then the writ petitioner had attained majority. Therefore, the learned single Judge rightly set aside the order impugned in the writ petition. In fact, the learned Judge had followed earlier precedents of this Court. We see no reason to differ.

6.This writ appeal is therefore dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

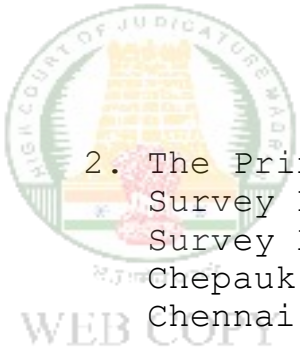
Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Assistant Director of
Survey Land Records,
Office of the District Survey Land Records,
Survey Land Records Department, Collectorate,
Virudhunagar District.



2. The Principal Secretary / Commissioner,
Survey Land Records Department,
Survey House,
Chepauk,
Chennai - 600 005.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 70592.
+1 CC to M/s.N.SUDALAI MUTHU, Advocate, SR No. 69975

DSK
PSM/JC/SAR2/24.08.2017/3P/5C

W.A. (MD) No.788 of 2017
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