



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD).No.3354 of 2015

P.Kousalya

... Petitioner

Vs.

1.The District Collector,
Collectorate Premises,
Sivaganga,
Sivagangai District.

... Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the entire records pertaining to the impugned order of the respondent in Na.Ka.P3/11122/2014 dated 13.01.2015 and quash the same as illegal and consequently direct the respondent to provide compassionate appointment to the petitioner.

For Petitioner : Mr.C.M.Arumugam
For Respondent : Mr.N.S.Karthikeyan,
Additional Government Pleader

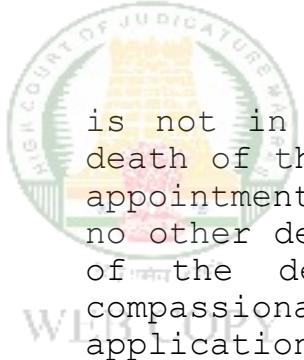
O R D E R

Writ petition has been filed to issue a Writ of Certiorarified Mandamus to call for the entire records pertaining to the impugned order of the respondent in Na.Ka.P3/11122/2014 dated 13.01.2015 and quash the same as illegal and consequently direct the respondent to provide compassionate appointment to the petitioner.

2. The impugned order was passed by the respondent / District Collector, Sivagangai, on 13.01.2015, rejecting the petitioner's application for appointment on compassionate ground. The fact that the petitioner's father died on 24.06.2005 is admitted. An application was filed by the petitioner's mother on 06.03.2006 seeking appointment to the petitioner on compassionate ground. The said application was rejected on the ground that the petitioner was a minor, and that application can be filed later, after she become qualified.

3. Thereafter, the petitioner filed an application on 23.06.2014 within three years from the date on which the petitioner attained Majority. This Application was rejected by the impugned order on the ground that the legal heirs of the Government servant should file an application within a period of three years from the date of death of the deceased employee and that the application filed beyond the period of three years cannot be considered.

4. The fact that the petitioner filed an application within three years from the date on which the petitioner attained majority



is not in dispute. As the applicant was a minor at the time of death of the deceased employee, it is possible for the minor to seek appointment only after he become major. It is now settled that when no other dependant in the family is available, minor son or daughter of the deceased employee is eligible to seek employment on compassionate ground after attaining majority. In this case an application was filed in time.

5. Hence, it is repeatedly held by the Supreme Court as well as this Court that legal heir of the deceased is entitled to file an application seeking appointment on compassionate ground within a period of three years from the date of attaining majority. Since it has been held in several cases that, within three years of attaining majority, a minor can file an application for the appointment on compassionate ground, the impugned order rejecting the application, on the ground that the application is beyond time, is erroneous. In this case the application filed by the petitioner's mother was in time and the subsequent application filed by petitioner can also be treated as one in continuation of the original application.

6. Hence this Petition is allowed. The impugned order is set aside. The respondent is directed to consider the petitioner's application on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

The District Collector,
Collectorate Premises,
Sivaganga,
Sivagangai District.

+1cc to Mr.C.M.Arumugam Advocate in SR. No.60756
+1cc to SPECIAL GOVERNMENT PLEADER in SR. No.60590
TA/MRN
JS/SV.MMS/SAR.1/23.06.2017/2P-4C

W.P. (MD) No.3354 of 2015
15.06.2017