



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.611 of 2015

S.Marithai

..Petitioner

Vs.

The District Collector,
Virudhunagar District @ Virudhunagar

.. Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records passed by the respondent herein in Na.Ka.No.P3/6963/2014 dated 22.12.2014 and quash the same and consequently direct the respondent herein to consider the petitioner's case for appointment on compassionate ground.

For Petitioner : M/s.M.Padmavathy

For Respondent : Mr.N.S.Karthikeyan
Additional Government Pleader

O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Certiorarified Mandamus, quash the order passed by the respondent, dated 22.12.2014 and consequently direct the respondent to consider the petitioner's case for appointment on compassionate ground.

2. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondent.

3. The petitioner is the wife of late K.Srinivasan, who was in Government service as Block Development Officer in Virudhunagar District. While, he was in service he died on 14.08.2007. The petitioner's husband was survived by his only son, who was only aged about 12.

<https://hcservices.ecourts.gov.in/hcsefiles/> petitioner filed an application on 27.04.2009 seeking appointment for her minor son. However, it appears that the respondent rejected the petitioner's request for compassionate



appointment on the ground that the petitioner's son was only a minor at the time of application. It is pertinent to point out that the petitioner's son became major immediately after eight months from the date on which the application was rejected, on 09.07.2013.

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5. However, the petitioner applied afresh on 31.07.2013 to give her appointment on compassionate ground. The application of the petitioner was rejected by the impugned order on 22.12.2014. The only reason given in the impugned order was that application had not been filed within three years from the date of death of the petitioner's husband.

6. The learned Counsel appearing for the petitioner submit that the petitioner's son was only a minor and attained majority within eight months from the date on which the earlier application was rejected by the respondent. Therefore, the application filed by the petitioner is within three years from the date of minor attaining majority.

7. The learned Additional Government Pleader appearing for the respondent submitted that the application was submitted belatedly and the petitioner is not entitled to get appointment on compassionate ground. He submitted that such belated applications cannot be considered. This Court has held in several cases that the application which is filed within three years from the date of minor attaining majority can be considered. This position is not in dispute. In this case an application was filed within 3 years from the date of death of the Government employee.

8. The learned Additional Government Pleader produced the clarification, issued by the Principal Secretary of the Government, where by it has been directed that with effect from 23.08.2005, only the person who has completed 18 years of age can be considered for appointment on compassionate ground and that the application seeking appointment on compassionate ground should be made within three years.

9. The fact that the period of limitation in the case of minors can be relaxed and an application filed by the minor within three years from the date of minor attaining majority has been accepted by Courts in the recent years. The application which was filed earlier by petitioner within time can be taken as one within time and the subsequent application can be taken as one in continuation of the first application filed in time.

10. The petitioner's son is only a minor and the application filed by the petitioner for the appointment of ~~son~~ on compassionate ground cannot be rejected on the ground that it was beyond time.



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11. Hence this Writ Petition is allowed and the impugned order is set aside. The respondent is directed to consider the petitioner's application afresh 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(Writs)

/ True Copy /

Sub Assistant Registrar(C.S.)

To

The District Collector,
Virudhunagar District @ Virudhunagar

+1cc to M/S.M.PADMAVATHY, Advocate SR.No.60381

MRN/TA

MAS/JC/SAR2:05.07.2017:3P-3C

ORDER MADE IN
W.P. (MD) .No.611 of 2015
15.06.2017