



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2017

CORAM:

WEB COPY

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

W.A. (MD) No.512 of 2016 &
C.M.P. (MD) .No.3637 of 2016 and
C.M.P. (MD) .No.2745 of 2017

1.The Government of Tamil Nadu,
Rep by its Secretary to Government,
Scheduled Cast and Schedule Tribe
Welfare Department,
Fort.St.George,
Chennai.

2.The Welfare Officer,
District Scheduled Caste and
Schedule Tribe Welfare Office,
Karur District.

...Appellants/Respondents

Vs.

K.Hemalatha

... Respondent/ Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order, dated 02.07.2014, made in W.P.(MD).No.1740 of 2010.

Prayer in WP(MD)No.1740/2010:-

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 relating to the proceedings in Na.Ka.No.L2/15604/2007, dated 23-01-2009 on the file of the 2nd Respondent herein and quash the same and consequently direct the respondents to issue suitable appointment on compassionate grounds to the petitioner herein.

For Appellants : Mr.S.Chandrasekar
Government Advocate

<https://hcservices.ecourts.gov.in/hcservices/> For Respondent : Mr.Y.Prakash

JUDGMENT

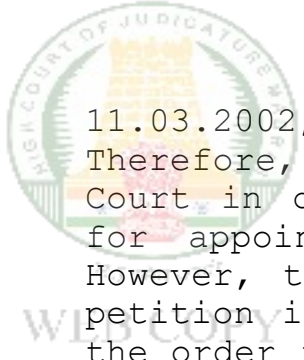
[Judgment of the Court was delivered by T.S.SIVAGNANAM,J]

Heard Mr.S.Chandrasekar, learned Government Advocate for the appellants, Mr.Y.Prakash, learned counsel for the respondent.

2.This appeal, by the Government of Tamil Nadu and the Welfare Officer, District Scheduled Caste and Schedule Tribe Welfare Office, Karur District, is directed against the order in W.P.(MD). No.1740 of 2010 dated 02.07.2010. The said writ petition had been filed by the respondent herein challenging the order passed by the second appellant dated 23.01.2009, rejecting the application filed by her for grant of appointment on compassionate grounds.

3.The writ petitioner's father was working as a Warden in the Government (ADW) Boys Hostel, Krishnarayapuram and he died in harness on 01.11.2000. After obtaining requisite certificates, the writ petitioner's mother submitted an application on 11.03.2002 to the District Collector for grant of appointment on Compassionate ground for herself. This application has been acknowledged by the office of the District Collector on 11.03.2002 and the copy of the acknowledgement is filed in Page No.5 of the typed-set of papers filed by the respondent/writ petitioner in this appeal. In the said acknowledgement, the office of the District Collector fixed the date for sending a reply to the petitioner's mother as 18.03.2002. But, the same was not complied with and the petitioner's mother's application was neither accepted nor rejected. Subsequently, as there was a ban on recruitment till 2006, no steps were taken. In the year 2007, the writ petitioner's mother submitted another application for and on behalf of the writ petitioner and the writ petitioner herself also submitted a separate application on 26.03.2007. For more than two years, these applications were not processed and the same were rejected by order dated 23.11.2009 stating that these applications have not been filed within three years from the date of demise of the Government Servant.

4.As noted above, first application filed by the writ petitioner's mother was made on 11.03.2002 well within the three year period. The said application was neither considered nor rejected, but, was kept pending. After the ban on recruitment was lifted, the writ petitioner submitted an application on 26.03.2007 as by then, she had attained majority. This application was also submitted by the writ petitioner herself. Thus, both the applications have to be considered, as in continuation of the first application dated



11.03.2002, and should not have been rejected as time barred. Therefore, we agree with the ultimate relief granted by the writ Court in directing to consider the claim of the writ petitioner for appointment on compassionate ground within a time frame. However, the reasons for confirming the order passed in the writ petition is as recorded by us and not for the reason assigned in the order impugned.

In the result, the writ appeal is dismissed. No costs. Consequently, the connected C.M.Ps are also closed.

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

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1.The Secretary to Government,
Scheduled Cast and Schedule Tribe
Welfare Department,
Fort.St.George,
Chennai.

2.The Welfare Officer,
District Scheduled Caste and
Schedule Tribe Welfare Office,
Karur District.

+One cc to Mr.Y.Prakash, Advocate, SR.No.54502

+One cc to The Special Government Pleader, SR.No.55103

Ns
RL/5C/3P/MR/SAR4/5.5.2017

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