



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2017

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN**Writ Petition(MD)No.7064 of 2011**

WEB COPY

M.Balamurugan

... Petitioner

Vs.

1.The District Collector
Sivagangai District,
Sivagangai.

2.The Tahsildar
Manamadurai Taluk,
Sivagangai District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for records of the first respondent relating to R-Dis A-6/40648/2010 dated 27.10.2010 and quash the same and consequently direct the respondents to appoint the petitioner as Village Assistant in any one of the vacancies available in Manamadurai Taluk within a specified time frame that may be fixed by this Court.

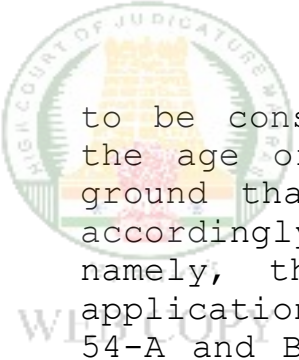
For Petitioner
For Respondents

: Mr.S.Visvalingam
: Mr.Aayiram K.Selva Kumar
Government Advocate.

ORDER

Challenging the order of rejection of his application for compassionate appointment on the ground that the petitioner is over-aged, the petitioner is before this Court. The date of birth of the petitioner is 01.03.1970 and his father, who was a Government servant died in harness on 14.02.2008. As on that date, the petitioner was aged about 38 years and at the time of consideration of his application, the petitioner was aged 40 years. It is seen that the petitioner is physically handicapped person and therefore, he would be entitled to age concession under Rule 53 of the Tamil Nadu State and Subordinate Service Rules. Apart from the age concession under Rule 53, the petitioner would also be entitled to the benefits of Rule 54-B because of the ban that was in force from 17.07.2006 to 16.07.2011. If the same is taken into consideration, the petitioner would be entitled to 13 years, 5 months and 2 days of age relaxation.

<https://hcservices.ecourts.gov.in/CaseDetails.aspx?CaseNo=MD70642011> The petitioner who was born on 01.03.1970 is aged about 47 years. If the period 13 years, 5 months and 2 days is added to the maximum prescribed age of 35, the petitioner would be entitled



to be considered for compassionate appointment, till he reaches the age of 48 years. Therefore, the order of rejection on the ground that the petitioner is over-aged is not sustainable and accordingly, it is set aside. Consequently, the first respondent namely, the District Collector is directed to reconsider the application of the petitioner with reference to the Rule 53 and 54-A and B of the Tamil Nadu State and Subordinate Service Rules and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is directed to enclose a copy of this order along with the material records to show that he is a person with disability entitled to benefits under Rule 53 of the Tamil Nadu State and Subordinate Service Rules.

3. Accordingly, the writ petition stands allowed. No costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The District Collector
Sivagangai District,
Sivagangai.

2. The Tahsildar
Manamadurai Taluk,
Sivagangai District.

+1 CC to M/s.S.VISVALINGAM, Advocate, SR No. 17122

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 17639

SMS/VSG

JS/KP/SAR3/12.04.2017/2P/5C

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