



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.04.2017

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THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

WEB COPY

W.P (MD) .No.4762 of 2013

P.Manikandan

... Petitioner

Vs.

The District Collector,
Ramnad District,
Ramnad.

... Respondent

Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the respondent in connection with the impugned order of rejection passed by him in his proceedings No.O.Mu.A4/32746/2010 dated 08.06.2010 and quash the same as illegal and arbitrary and consequently direct the respondent to consider the petitioner's case for appointment in any suitable post based on his qualification under compassionate ground within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondent : Mr.S.Kumar
Additional Government Pleader

ORDER

Challenging the order rejecting the request of the petitioner for compassionate appointment, the petitioner has come forward with this writ petition.

2.It is not in dispute that the father of the petitioner N.Pandi died while in service on 09.07.1997. At the time of his death, the petitioner was aged 7 years and his sister was aged 10 years. Since the petitioner's mother was an illiterate, she was not able to get compassionate appointment. The petitioner has completed 18 years of age in 2009 and after attaining majority, the petitioner had applied for compassionate appointment in the year 2009 by way of representation dated 01.12.2009. The said request has been rejected on 07.12.2009 and thereafter, the petitioner once again made a request to the respondent on 25.02.2010 seeking compassionate appointment. The said request has been rejected on the ground that he has not applied within three years from the date of death of his father.

3.This Court in **R.Sridevi Vs.Secretary to Government, Labour and Employment Department, Chennai (2012) 2 MLJ 211** has held that if the claimant is a minor at the time of death of a



Government Servant, he/she is entitled to apply after attaining majority.

4.The said decision is squarely applicable to the facts of the present case. In view of the same, the impugned order is set aside and Rule Nisi is made absolute. The writ petition is allowed. Consequently, the respondent is directed to consider the application of the petitioner for compassionate appointment and pass orders within a period of eight weeks from the date of receipt of copy of this order. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

The District Collector,
Ramnad District,
Ramnad.

+1cc to M/S.G.Thalaimuthurasu, Advocate, SR.53193

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO. 53476

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