

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 02.08.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI
W.P.No.17323 of 2018

N.Mahendran

...Petitioner

Vs

1. The Joint Director,
Commissionerate of Municipal Administration,
Ezhilagam, Chepauk, Chennai
2. The Commissioner,
Villupuram Municipality,
Villupuram District

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records on the file of the second respondent in Muo.Mu.No.10019/2014/H1 dated 26.03.2014 on the file of the second respondent and quash the same and consequently direct the respondents to provide employment under compassionate ground more particularly within a time frame as may be stipulated by this Court.

For Petitioner : Mr.S.Arokia Maniraj

For Respondents : Mr.V.Kadhirvelu,
Special Government Pleader

ORDER

The grievance of the petitioner in this case is that after the death of his mother who was working as Sweeper, he applied for appointment on compassionate ground but the same has been rejected vide the impugned order dated 26.03.2014 on the ground that he has crossed the age limit of 35 years, as such the petitioner has filed the writ petition challenging the said order of the second respondent with a prayer to quash the same and direct the respondent to give him compassionate appointment.

2. Needless to say that Tamil Nadu Special Rules for Basic Service prescribes the age limit for entry into the service is 30 years in respect of general candidates and 35 years for priority category to which the petitioner belongs to . The aforesaid has been provided in the Rules for basic service, taking note of the age of entry into Government Service is 30

years. But in case of compassionate appointment age cap of 35 years has been provided, giving relaxation 5 years in the 30 age cap for entry into Government Service for open category. The petitioner who belongs to priority category, for him the ordinary age cap 35 years is applicable to enter into Government service. Hence, when he applied for compassionate appointment, he is entitled to 5 years relaxation over and above the age cap prescribed for appointment for candidates seeking appointment on compassionate ground. This Court also in a writ appeal in W.A.No.904 of 2007, while upholding the decision of the learned Single Bench of this High Court passed in W.P.No.6082 of 2011, indicated though the petitioner therein was 38 years since belonging to the priority category, is entitled to age relaxation.

3. In such premises, this Court is of the view that the rejection of the petitioner's case on the ground he was over aged i.e. more than 35 years, the age cap for compassionate appointment, is unsustainable. Therefore, the impugned order is set aside and the matter is remitted back to the second respondent to reconsider the case of the petitioner for appointment on compassionate ground, if he is otherwise found eligible for compassionate appointment and was within the age of 40 years on the date of death of her mother.

4. With the above observation, the writ petition stands disposed of. However, in the circumstances there shall be no order as to costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Joint Director,
Commissionerate of Municipal Administration,
Ezhilagam, Chepauk, Chennai
2. The Commissioner,
Villupuram Municipality,
Villupuram District

+1cc to Mr.S.Arokia Maniraj, Advocate, S.R.No.53315.

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rrs 19/09/2018