



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.336 of 2018

R.Maheswari

.. Petitioner

Vs.

1. The Commissioner of Agriculture
(formerly the Director of Agriculture)
Office of Commissioner of Agriculture,
Chennai.

2. The Joint Director of Agriculture,
Multi-Project Complex-II, Theni-625 531.

3. The Assistant Director of Agriculture,
Periyakulam at Vadugpatti,
Theni District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 and 2 herein to consider the proposal of the third respondent in Proceedings No.E.355/07, dated 16.10.2008 for compassionate appointment of petitioner's son R.Ramkumar, S/o.late P.Rajasekaran, deceased employee as per rule of seniority and in accordance with scheme of compassionate appointment.

For petitioner : Mr.K.Appadurai
For respondents : Mr.K.Saravanan
Government Advocate

O R D E R

Heard the learned Counsel on either side

2. The writ petitioner's husband P.Rajasekaran was employed as Office Assistant in the Agricultural Department. He passed away on 04.12.1998. The petitioner submitted an application for grant of appointment on compassionate ground on 25.06.2006. The third respondent herein had forwarded the said proposal on 16.10.2008. This writ petition has been filed for directing the respondents 1 and 2 to consider the said proposal dated 16.10.2008.

3. When the matter was taken up for hearing, the Government Advocate appearing for the respondents produced a copy of the communication dated 23.01.2012, issued by the second respondent and



addressed to the third respondent, rejecting the said proposal on the ground that the application seeking grant of appointment on the compassionate ground was not received within three years. A copy of the said communication was also marked to the writ petitioner herein.

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4. The learned Counsel appearing for the writ petitioner would submit that the writ petitioner did not receive the said communication.

5. Be that as it may, it seen that the death of the Government employee in question took place in December 1998. More than 19 years have elapsed. In the meanwhile the writ petitioner's daughter's marriage was also celebrated. Admittedly the application seeking appointment on the compassionate ground was not submitted within three years from the date of the death of the employee. The prayer in the writ petition is that the proposal of the third respondent dated 16.10.2008 should be considered.

6. The Government Advocate appearing for the respondents has convincingly shown that the said proposal was already considered and rejected. Therefore the question of issuing Mandamus does not arise. That apart the case of the writ petitioner is hopelessly hit by laches.

7. This Court finds no merit in the writ petition and it stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Agriculture
(formerly the Director of Agriculture)
Office of Commissioner of Agriculture,
Chennai.
2. The Joint Director of Agriculture,
Multi-Project Complex-II,
Theni-625 531.
3. The Assistant Director of Agriculture,
Periyakulam at Vadugpatti,
Theni District.

+ 1 CC TO Mr.K.APPADURAI, ADVOCATE IN SR No. 44074

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 44668

KMI

TE/JC/SAR-4 : 06/03/2018 : 2P/6C

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ORDER MADE IN
W.P (MD) .No.336 of 2018
24.01.2018