



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2018

CORAM:

THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN

W.P. (MD) No. 15723 of 2014

and

M.P. (MD) Nos. 1 and 2 of 2014

Mr. P. Visagh

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District at
Nagercoil.
2. The Director of School Education,
D.P.I., Campus,
College Road,
Nungambakkam,
Chennai-600 006.
3. The District Educational Officer,
Thuckalay,
Kanyakumari District.
4. The Headmaster,
Government Higher Secondary School,
Kalkulam, Thuckalay Post,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 3rd respondent in Na.Ka.No.3085/A1/2009, dated 03.04.2014, quash the same, and direct the 1st respondent to appoint the petitioner on compassionate grounds.

For Petitioner : M/s.J.Anandhavalli

For R1 to R4 : Mrs.S.Srimathi
Special Government Pleader

O R D E R

This petition is filed to quash the impugned order dated 03.04.2014 passed by the third respondent in Na.Ka.No.3085/A1/2009 and to direct the first respondent to appoint the petitioner on compassionate grounds.

<https://hcservices.ecourts.gov.in/hcservices/> 2. Hear the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.



3. According to the petitioner, his father was working as a Drawing Teacher in the fourth respondent School and he died on 12.09.2006, while in service. Thereafter, the petitioner made an application on 21.11.2008 seeking compassionate appointment and the same was rejected by the third respondent on the ground that the petitioner was only a minor at the time of submitting the said application. Therefore, the petitioner has filed the present writ petition.

4. The learned Special Government Pleader appearing for the respondents would submit that as per G.O.Ms.No.112, Personnel and Administrative Reforms Department, dated 23.08.2005, the petitioner will have to make an application within three years from the date of demise of his father and since the petitioner was a minor at the time of his father, he is not entitled to get the relief.

5. It has been contended by the learned Special Government Pleader appearing for the respondents that though eligible persons namely, spouse of the deceased and the 1st daughter of the deceased aged about 24 years were available on the date of demise of the deceased, the request for compassionate appointment was made to the petitioner, who had not completed 18 years of age at that time. It is an admitted fact that the application was made within three years from the date of the demise of the deceased Government Servant. The reason given by the respondents that the petitioner, who was a minor at the relevant point of time is not entitled to compassionate appointment, is not acceptable, as it is not mandatory that the application has got to be submitted only by the spouse or other legal heirs, who have attained majority and the only thing that has to be looked into as to whether the application was made within the time or not.

6. In the result, this writ petition is disposed of, directing the first respondent to consider the request of the petitioner for compassionate appointment and to pass appropriate orders in accordance with law, within a period of two months from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar()

/True Copy/

Sub Assistant Registrar(CS-II)



To

1. The District Collector,
Kanyakumari District at
Nagercoil.
2. The Director of School Education,
D.P.I., Campus,
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4. The Headmaster,
Government Higher Secondary School,
Kalkulam, Thuckalay Post,
Kanyakumari District.

+1cc to M/s.J.Anandhavalli, Advocate Sr.No.81235

+1cc to SPL.Govt.Pleader, Sr.No.81648

NS

MK/RSK/SAR2/05.12.2018/3P/7C

W.P. (MD) No.15723 of 2014
30.08.2018