



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.2211 of 2014

WEB COPY

R.Kanimozhi

: Petitioner

Vs.

1. The Principal Secretary,
Department of Home, Secretariat,
Fort St. George, Chennai - 600 009.

2. The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai - 600 004.

3. The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai - 630 562.

: Respondents

PRAYER: 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 proceedings issued by the third respondent in his letter Na.Ka.En.Aa4/29727/2006 dated 07.04.2011 and his letter Na.Ka.En.Aa4/49459/736/2012 dated 18.12.2012 and quash the same and consequently direct the respondents to provide compassionate appointment to her in a suitable post in the Department of Police with all monetary and service benefits within the stipulated time.

For Petitioner : Mr.M.S.Jeyakarthik

For Respondents : Mr.S.Dhayalan

Government Advocate

O R D E R

This Writ Petition has been filed seeking a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings issued by the third respondent in his letter Na.Ka.En.Aa4/29727/2006 dated 07.04.2011 and his letter Na.Ka.En.Aa4/49459/736/2012 dated 18.12.2012 and quash the same and consequently to direct the respondents to provide compassionate appointment to her in a suitable post in the Department of Police with all monetary and service benefits.

2.Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The case of the petitioner is that the petitioner's father died on 06.09.2006 and she made an application for compassionate



appointment. The said application was received by the respondents' office on 28.03.2007, itself. While so, by impugned orders dated 07.04.2011 and 18.12.2012, the application of the petitioner was rejected on the ground that the petitioner was minor at the time of application.

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4.The respondents took nearly four years time to reject the request made by the petitioner. Had it been rejected immediately, she would have made an application within three months from the date she attained majority. From the records it is clear that she made application within six months from the date of her father's demise. Though a minor cannot make an application seeking compassionate appointment, the petitioner's case could have been considered at the age of 18, calling for necessary documents in order to ascertain as to whether she fulfils the qualification or not.

5.Though the Apex Court has categorically held that compassionate appointment is not a matter of right, in the State of Tamil Nadu, compassionate appointments are being considered even as on date. Hence, as long as the system continues, there should be a vide publicity as to how the application has to be made and sent to the concerned authorities either by speed post or registered post and online portal.

6.In the case on hand, though the rejection orders give correct reasons, that cannot be put against the petitioner, as the petitioner has made the application for compassionate appointment well within the time limit. Hence, this Court directs the respondents to consider the case of the petitioner afresh and pass orders on merits and in accordance with law within a period of four [4] weeks from the date of receipt of a copy of this order.

7.The Writ Petition stands disposed of, accordingly. No costs.

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Principal Secretary,
Department of Home, Secretariat,
Fort St. George, Chennai - 600 009.
2. The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai - 600 004.



3. The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai - 630 562.

+1cc to Mr.M.S.Jeyakarthik, Advocate Sr.No.79772

+1cc to Spl.Government Pleader Sr.No.79667

MR

VB/PM/SAR4/10.12.2018/3P/6C

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