



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.3796 of 2014

and

M.P. (MD) .No.1 of 2014

Karupayee

... Petitioner

Vs.

1. The Director General of Police,
Tamil Nadu, Chennai-600 004.

2. The Superintendent of Police,
Madurai District, Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in Na.Ka.No.17320/C.A2/2013 dated 04.02.2013 issued by the first respondent and quash the same and consequently direct the respondents to give compassionate appointment to the petitioner's daughter namely, R.Venkateswari.

For Petitioner : Mr.M.Saravanan

For Mr.R.Subramanian

For Respondents : Mr.J.Gunaseelan Muthiah

Additional Government pleader

ORDER

Heard Mr.M.Saravanan for Mr.R.Subramanian, learned counsel, appearing for the petitioner and Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, appearing for the respondents.

2.By consent of both the parties, the main Writ Petition is taken up of final disposal.

3.The Petitioner's husband A.Ravichandran, was employed as a Head constable in the Police Department. He died on 25.10.2005. On 17.09.2007, the petitioner submitted an application seeking an appointment to her daughter namely, R.Venkateswari, on compassionate grounds. But the second respondent issued the impugned order dated 04.02.2013, taking the stand that since the petitioner's daughter



did not complete 18 years of age on 17.09.2007, she was not qualified to be appointed on compassionate grounds. This impugned order is under challenge in this Writ Petition.

4.The learned counsel appearing for the petitioner submitted that the petitioner's daughter R.Venkateswari, was born on 26.05.1990. The petitioner's husband passed away on 25.10.2005. She submitted an application on compassionate grounds within three years and if so submitted as per law that three years expired only on 24.10.2008. Admittedly, on the said date, the petitioner's daughter R.Venkateswari, had very much attained majority. It is true that on the date of application i.e., 17.09.2007 she was short of attaining majority by a few months. But, she had attained age of majority before the expiry of three years before the demise of her husband.

5.The learned counsel appearing for the petitioner placed reliance on the decision of this Court reported in ***W.P. (MD) .No.11601 of 2012-(S.Preethi Vs. Land Survey & Land Revenue Departmentt) dated 22.11.2003.*** It was held that the ground that the applicant had not completed 18 years of age is not a valid ground to deny the appointment on compassionate grounds. The indigent circumstances of the petitioner is not disputed. The only ground for rejection is that on the date of application the petitioner's daughter was not a major. Since the said ground has been found to be unsustainable in law, the order impugned in this writ petition stands quashed.

6.This Court is conscious of the fact that a direction shall not be issued to the respondents to straight away appoint the applicant on compassionate grounds and that the respondents can only be directed to consider the case for appointment. But, in the present case, even according to the respondents the only ground of disqualification was the one set out above. Since the same has been found to be erroneous in law, the respondents are directed to issue an order appointing the petitioner's daughter within a period of three months from the date of receipt of a copy of this order. Subject to her name in the list of eligible candidates in the waiting list.

7.This Writ Petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar



To

1. The Director General of Police,
Tamil Nadu, Chennai-600 004.

2. The Superintendent of Police,
Madurai District, Madurai.

+ 1 CC TO Mr.R.SUBRAMANIAN, ADVOCATE IN SR No. 41664

TSG

TE/JC/SAR-3 : 06/02/2018 : 3P/4C

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