

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P. No.15736 of 2009

S.Chakariyash

.. Petitioner

-vs-

1. State of Tamil Nadu,
rep. by its Secretary to Government,
Highways and Minor Ports Department,
Secretariat, Chennai-9.
2. Chief Engineer (General),
Highways Department,
Chepauk, Chennai-5.
3. Superintending Engineer,
Highways Department,
Salem.
4. Divisional Engineer,
Highways Department,
Salem-7,
Salem District.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the first respondent in Government Letter No.19188/HM.2/2008-2, Highways & Small Ports Department, dated 05.11.2008 and the consequential order passed by the second respondent in his Proceedings No.Ni.7(1)/40416/99 dated 14.11.2008 and quash the same and direct the respondents to appoint the petitioner on compassionate ground either as Office Assistant or as Road Worker according to the qualification.

For petitioner : Mr.P.Ganesan

For respondents : Mr.K.Ravikumar
Additional Government Pleader

ORDER

The petitioner has come to this Court challenging the impugned Letter No.19188/HM.2/2008-2, Highways & Small Ports Department, dated 05.11.2008 issued by the first respondent and the consequential order passed by the second respondent in his Proceedings No.Ni.7(1)/40416/99 dated 14.11.2008 and seeking a direction to the respondents to appoint him on compassionate ground either as Office Assistant or as Road Worker according to the qualification.

2.It is seen that at the time of filing the writ petition, the petitioner was aged about 48 years. After pendency of ten years, the petitioner is now aged about 58 years, which is over and above the age limit of 35 years as per 54-A of the Tamil Nadu State and Subordinate Service Rules. It is necessary to extract the same as under:

54-A. Age concessions for appointment on compassionate grounds. Notwithstanding anything contained in the Special Rules for various State and Subordinate Services regarding the maximum age limit for appointment by direct recruitment, in the case of appointment by compassionate grounds, the maximum age limit shall be 35 years in respect of the sons or the unmarried daughters and 50 years in respect of wife or husband of the Government servant, who died in harness while in service, or retired from service on medical invalidation before attaining the age of 53 years, as the case may be.

3.In view of the above Rules prescribing maximum age limit of 35 years in respect of the sons or the unmarried daughters in the case of appointment by compassionate grounds, the prayer in the writ petition seeking compassionate appointment has become infructuous as the petitioner is ineligible for getting the same.

4.Accordingly, the writ petition is dismissed as infructuous. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vga

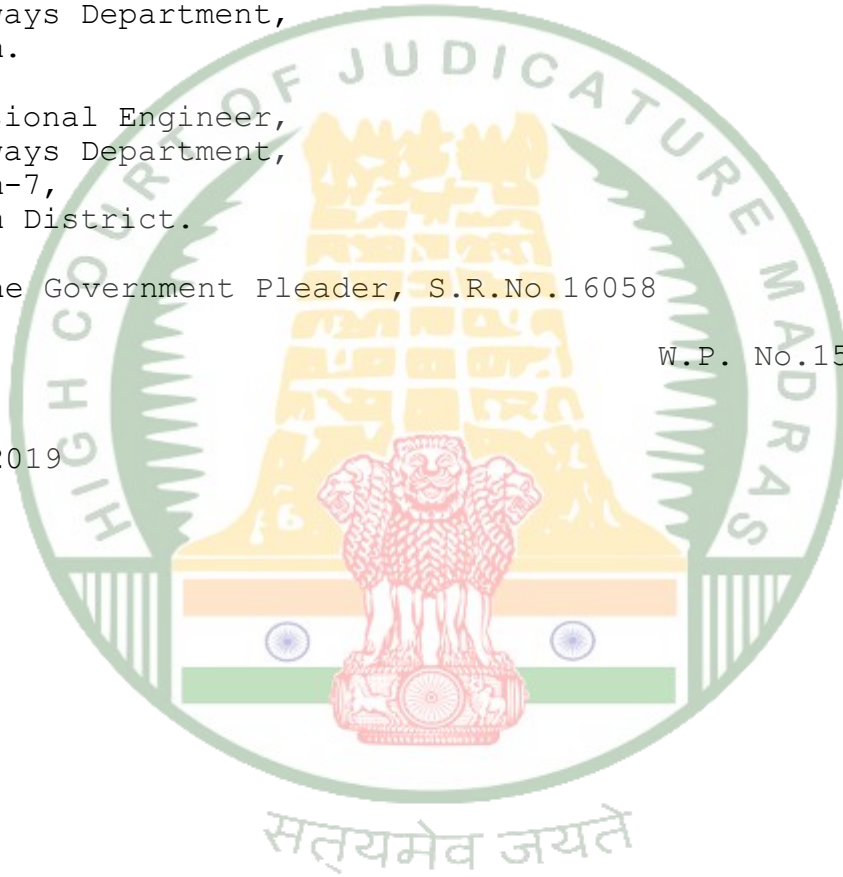
To

1. State of Tamil Nadu,
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Secretariat, Chennai-9.
2. Chief Engineer (General),
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+1cc to the Government Pleader, S.R.No.16058

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pm(co)
CS/04/04/2019



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