

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2019

CORAM :

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.NO.27521 of 2017

M.Bairavi

... Petitioner

Vs.

1.The Principal Secretary,
Revenue Administrative Commissioner,
Revenue Administration,
Chepauk,
Chennai - 5.

2.The District Collector,
District Collector Office,
Thiruvallur District.

3.The Tahsildar,
Thiruvallur,
Thiruvallur 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 order dated 13.10.2016 made in Na.Ka.A1/5947/2014 on the file of the 2nd Respondent, quash the same and consequentially direct the respondents to consider the claim of the petitioner for compassionate employment.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.N.Sakthivel
Additional Government Pleader

ORDER

The writ petitioner challenges an order dated 13.10.2016 and seeks quash of the same as well as a direction to the respondents to consider the claim of the petitioner for compassionate employment.

2. There is no dispute on the facts. The petitioner belongs to Adi-Dravidar community and completed her Higher Secondary Education in the year 1996. Thereafter, she joined the Bachelor of Physical Education course in August 2007, but could not complete the same due to family circumstances. Her father, Mr.P.Manokaran, was working as a Village Assistant at Chittrambakkam Village and passed away on 02.01.2014 due to a heart attack. She seeks compassionate employment under the 3rd respondent/Tahsildar, Thiruvallur District. She states that the other legal heirs i.e. her brothers Mr.Nivas, Mr.Raja and her sister Ms.Priyanganga as well as her mother Mrs.Lilly have no objection for her application and has placed a No Objection Certificate in this regard on file.

3. She had approached the 3rd respondent with representations seeking an employment on many occasions pursuant to which the 3rd respondent has passed the impugned order dated 09.07.2015, on the ground that she had exceeded the age limit of 35 years by 5 months and 17 days. The above facts are not in dispute. However, the petitioner relies on the G.O. passed on 03.06.2016 in G.O.No.90/2016, pursuant to an order of this Court in W.P.No.4028 of 2015 dated 26.03.2015 in the case of G.Parthiban v. Secretary to Government and others, wherein this Court, in very similar circumstances, as I am faced with now, where the petitioner therein was overage by 2 months and 15 days has directed re-consideration of the case of the petitioner therein for compassionate appointment by relaxing the G.O.(I) No.785 dated 30.12.1996, G.O.Ms.No.42 Labour and Employment (Q1) Department dated 12.03.2007.

4. The above order was carried in appeal and was confirmed in W.A.No.1565 of 2015 by the Division Bench by order dated 16.10.2015.

5. Having accepted the order of the Division Bench as aforesaid, no justification is given for the contrary stand adopted in the petitioner's case. I am thus of the view that the present writ petitioner is entitled to the relief sought and direct the 2nd respondent/District Collector to consider the petitioner's representation, in the light of G.O.(I)No.785 dated 30.12.1996; G.O.Ms.No.42 Labour and Employment (Q1) Department dated 12.03.2007 and G.O.No.90/2016, dated 03.06.2016 and pass necessary and appropriate orders in the light of the observations made in this case within a period of eight weeks from the date of receipt of a copy of this order.

6.This writ petition is allowed in the above terms. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vs/tsg

To

1.The Principal Secretary,
Revenue Administrative Commissioner,
Revenue Administration,
Chepauk, Chennai - 5.

2.The District Collector,
District Collector Office,
Thiruvallur District.

3.The Tahsildar,
Thiruvallur, Thiruvallur District.

+1 cc to The Government Pleader, Sr.No. 40620

+1 cc to Mr.M.Grurprasad, Advocate, Sr.No. 40578

CSL/19.06.2019

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सत्यमेव जयते
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