

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.04.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.34445 of 2018

V.Sathya

.. Petitioner

..Vs..

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.Secretary to Government,
Government of Tamil Nadu,
Fort St.George, Chennai - 9.

3.Chief Secretary and Commissioner
for Revenue Administration,
Ezhilagam, Chennai - 5.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records first respondent pertaining to his order cum proceedings in No.O.Mu.(A3)/18786/2018 dated 09.06.2018 to quash the same and direct the respondents to consider age relaxation relaxed to the individuals in the light of judgment of this Hon'ble Court in W.A.No.1565/2005 and accordingly direct the respondent herein to grant the petitioner with compassionate appointment.

For Petitioner : Mr.V.Rajendran

For Respondent : Mr.R.S.Selvam
Government Advocate for R1 to R3

O R D E R

The order of rejection dated 09.06.2018, rejecting the claim of the writ petitioner for providing compassionate appointment is under challenge in the present writ petition.

2. The reason stated in the order of rejection is that the writ petitioner has crossed the prescribed age limit of 35 years and therefore, the claim of the writ petitioner was rejected. At the time of death of the deceased employee, the writ petitioner was aged about 38 years and accordingly, the said application was rejected.

3. The father of the writ petitioner late Sri. Vilvanathan, who was employed as Masalsi in the Taluk Office, Chengam, Tiruvannamali District and died on 18.04.2017, while he was under suspension. Thus, it is to be construed that the deceased employee was in service. On account of sudden death of the deceased employee, the family was in penurious circumstances and the writ petitioner submitted an application seeking appointment on compassionate grounds. The said application was rejected on the ground that the writ petitioner was over aged.

4. The learned Government Advocate appearing on behalf of the respondents opposed the contention by stating that the maximum age limit prescribed under Section 15 of Tamil Nadu Government Servants, Conditions of Service Act, 2016 is 35 years as far as the Sons and daughters of the deceased employee are concerned. In view of the statutory limitations prescribed, the writ petitioner is not eligible to avail the benefit of scheme of compassionate appointment.

5. Section 15' of the Tamil Nadu Government Servants Act states that 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.

6. Thus, the sons and daughters are eligible to avail the benefit of scheme of compassionate appointment provided they are within the age limit of 35 years and eligible to avail the benefit of compassionate appointment as per the terms and conditions stipulated in the scheme.

7. This being the statutory provisions contemplated, the reason stated in the impugned order is in consonance of the Provisions of Act and there is no infirmity as such.

8. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Pns

To

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.Secretary to Government,
Government of Tamil Nadu,
Fort St.George, Chennai - 9.

3.Chief Secretary and Commissioner
for Revenue Administration,
Ezhilagam, Chennai - 5.

+1cc to Mr.V.P.Rajendran, Advocate, S.R.No.35360

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EV(CO)

RRS (27/05/2019)



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