



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.1592 of 2016

WEB COPY

M. Bindusha

... Petitioner

Vs.

1. The Superintendent of Police,
District Police Office,
Theni District.

2. The Inspector of Police,
Gudalur North Police Station,
Gudalur Circle, Gudalur,
Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of **Certiorarified Mandamus** to call for the records of the first respondent's proceedings in C.No.A4/475/48451/2014 dated 16.09.2015 and quash the same as illegal and consequently directing the respondents to give appointment to the petitioner on compassionate ground any suitable post according to his qualification, within the time stipulated by this Court.

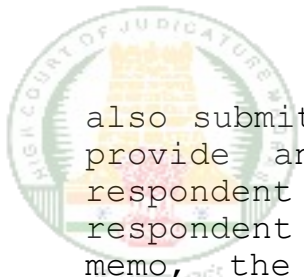
For Petitioner : Mr. J. Jawahar

For Respondents : Mr.A. Muthukaruppan,
Addl. Govt. Pleader

ORDER

This writ petition has been filed seeking to quash the first respondent's proceedings in C.No.A4/475/48451/2014, dated 16.09.2015 and also sought for a direction to the respondents to provide appointment to the petitioner on compassionate grounds, within the time stipulated by this Court.

2. According to the writ petitioner, while her father, namely, Mani was working as Head Constable in Gudalur (North) Police Station, died on 23.04.2002. At the time of death of the petitioner's deceased father, she was minor and having one younger brother and the mother are the legal heirs of the deceased Mani. The petitioner after attaining age of majority, submitted an application to the respondents to provide employment under compassionate grounds to manage her family. The petitioner's mother



also submitted an application on 11.11.2003 for the same request to provide an employment under compassionate ground. The first respondent served a memo to the petitioner through the second respondent in Na.Ka. No.A3/31329/2012 and in view of the aforesaid memo, the petitioner's mother has submitted all the necessary documents to the second respondent. But, the respondents have rejected both the application submitted by the petitioner as well as her mother. Subsequently, the first respondent had passed the impugned proceedings on 16.09.2015 in C. No.A4/475/48451/2014. Aggrieved over the same, the petitioner has filed the instant writ petition.

3. According to the learned Additional Government Pleader appearing for the respondents, the first respondent has passed the impugned proceedings by stating that the said application was submitted by the petitioner beyond the period of three years. At the time of submitting an application on 11.11.2003 by petitioner's mother, the petitioner was minor and after attaining the age of majority, the petitioner again submitted an application seeking appointment on compassionate grounds.

4. On a perusal of the impugned order, the first respondent has stated the reason that the petitioner was a minor at the time of submitting application and as such, she has not come to the eligibility criteria. But, at the time of passing the impugned order the petitioner attained majority. Therefore, the petitioner relied on G.O. Ms. No.120 Labour and Employment Department, dated 26.06.1995. The said G.O emphasized that the application for appointment on compassionate grounds should be submitted within three years i.e., from the date of death of Government servant. Therefore, the respondents have to consider the petitioner's application, dated 11.11.2003 and shall pass appropriate orders. Thus, this Court is not satisfied with the reasons stated in the impugned order that the application submitted by the petitioner, seeking employment under compassionate grounds, is beyond three years from the date of death of Government servant. In the aforesaid impugned order itself stated that the submission of application i.e., on 11.11.2003 and therefore, the impugned order is liable to the quashed.

5. In view of the above, the matter is remitted back to the respondents and the respondents are directed to consider the matter afresh by taking note of the existing Government Order, within a period of **Four (4) Months** from the date of receipt of a copy of the order. This Court directs the petitioner to file an additional affidavit by stating that the petitioner is now living in joint family with her mother and younger brother and the petitioner's mother is having ailment and about their indigent circumstances as of now.



6. With the above directions, the writ petition is allowed and consequently, the impugned order is quashed. No Costs.

Sd/-

Assistant Registrar (CS-II)

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// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Superintendent of Police,
District Police Office, Theni District.
2. The Inspector of Police,
Gudalur North Police Station,
Gudalur Circle, Gudalur,
Theni District.

+1 CC to M/s.J. SENTHIL KUMARAIAH, Advocate SR-83933.

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