



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No. 7731 of 2016

K.Venkadesh

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by Secretary to Government,
Home Department, Fort St. George,
Chennai-600 009.

2.The Director General of Police,
Chennai.

3.The Superintendent of Police,
Thanjavur District, Thanjavur.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings made in Na.Ka.No.F2/41576/2014, dated 20.11.2014 issued by the third respondent and quash the same and consequently, direct the respondents to provide suitable employment to the petitioner under the compassionate ground.

For Petitioner : Mr.P.Athimoolapandian
for P.Arunjayaram
For Respondents : Mr.S.Dhayalan,
Government Advocate.

ORDER

This Writ Petition is filed, challenging the order of the third respondent dated 20.11.2014. Further direction is sought for to direct the respondents to provide suitable employment to the petitioner under compassionate ground.

2.According to the petitioner, his father, namely, Krishnamoorthy, while working as Constable under the Control of Inspector of Police, Traffic Control, Kumbakonam, died on 09.11.2008. The petitioner's mother gave a representation dated 26.03.2009 to the third respondent seeking compassionate appointment. Subsequently, the petitioner has also made a representation dated 17.06.2009 to the third respondent for compassionate appointment. The petitioner has completed +2 course in the year 2011 and B.A. (English) in May, 2014. The application of the petitioner was rejected on the ground that the petitioner was



minor at that time and directed the mother of the petitioner to apply for appointment on compassionate ground. The mother of the petitioner has stated that she is illiterate and requested the respondents to give appointment to her son. The petitioner again gave a representation dated 12.10.2012, to the second respondent and Chief Minister's Special Cell. Both the representations were forwarded to the third respondent. The third respondent, by the impugned order dated 20.11.2014, has rejected the request of the petitioner for appointment on compassionate ground on the ground that the petitioner has not attained majority, within three years from the date of death of his father. Challenging the same, the petitioner has come out with the present Writ Petition.

3.The learned counsel appearing for the petitioner submitted that the petitioner and his mother gave representations immediately, after death of his father. Subsequent application is in continuation of the earlier applications. The third respondent has erroneously rejected the said representation. The reasons given by the third respondent are not valid and legal and prayed for allowing the Writ Petition.

4.The third respondent has filed counter affidavit and referred to G.O.Ms.No.155, Labour and Employment (Q1) Department, dated 10.12.2014, wherein it has been stated that the limitation of three years will not apply to the legal heirs of the deceased employee, who died during the period from 23.08.2005 to 03.05.2010. Therefore, the petitioner is eligible for appointment on compassionate ground. The third respondent further stated that the third respondent has sent proposal to the second respondent for considering the request of the petitioner for appointment on compassionate ground and the same is under consideration. The petitioner, without waiting for the order, has come out with the present Writ Petition.

5.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents and perused the materials available on record carefully.

6.From the materials on record, it is seen that immediately after death of the employee, the petitioner's mother gave representation and the petitioner has also given another representation. The request of the petitioner was rejected by the third respondent on the ground that the petitioner was minor at the time of submitting the application. Subsequently, the petitioner gave another representation and the same was rejected by the impugned order dated 20.11.2014, on the ground that the petitioner has not attained majority, within three years from the date of death of his father. The third respondent in the counter affidavit, referred to G.O.Ms.No.155, Labour and Employment (Q1) Department, dated 10.12.2014 and stated that the petitioner is eligible for being considered for appointment on compassionate ground and his request



is under consideration.

7.Considering the statement of the third respondent in the counter affidavit that proposal was sent to the second respondent, the second respondent is directed to consider the proposal submitted by the third respondent and provide suitable employment to the petitioner, if he is otherwise eligible, within a period of twelve weeks from the date of receipt of a copy of this order.

8.With the above directions, this Writ Petition is allowed.
No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary to Government,
State of Tamil Nadu,
Home Department, Fort St. George,
Chennai-600 009.

2.The Director General of Police,
Chennai.

3.The Superintendent of Police,
Thanjavur District, Thanjavur.

+1 CC to M/s.P.ATHIMOOLAPANDIAN, Advocate (SR-102716[F] dated 29/11/2019)

+1 CC to M/s.GP (SR-102956[F] dated 02/12/2019)

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