

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.NO. 3148 of 2020
and
WMP No.3660 of 2020

J. Janarthanan ... Petitioner
-Vs-

1. The State of Tamil Nadu
Rep by ts Secretary to Government,
Rural Development and Panchayat Raj
Depatment
Fort St. George, Chennai 600 009.
2. The Director of Rural Development
and Panchayat Raj Department
Saidapet, Chennai 600 015
3. The District Collector
Collectorate, Vellore District.
4. The Block Development Officer
O/o. The Panchayat Union
Kaveripakkam, Vellore District. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the proceedings of the Third respondent issued in Na.Ka.PA3/5490/2015 dated 17.09.2018 and quash the same with the consequential direction, directing the respondents to consider the name of the petitioner for compassionate ground appointment as he has completed 18 years of age, based on his education qualification.

For Petitioner : Mr. V. Ravi Kumar

For Respondents

for R1 to R3 : Mr.P.S.Siva Shanmugasundaram

for R4 : Mr. Iniyan

ORDER

On consent given by both the counsel, the main Writ Petition is taken up for final hearing.

2. This Writ Petition has been filed challenging the proceedings of the third respondent dated 17.09.2018 and for consequential direction to the respondents to consider the request made by the petitioner for compassionate appointment.

3. The case of the petitioner is that his father was working as a Rural Welfare Officer Grade-I and he died on 13.05.2014, while he was in service. According to the petitioner, the family faced financial distress and the mother of the petitioner submitted an application on 27.06.2016 seeking for compassionate appointment for the petitioner. At the time of submission of the application, the petitioner had only completed 15 years and 8 months of age. An impugned order came to be passed by the third respondent rejecting the application seeking for compassionate appointment on the ground that the petitioner has not completed 18 years of age. Aggrieved by the same, the present Writ Petition has been filed before this Court.

4. The learned counsel for the petitioner submitted that even on the date when the order was passed by the third respondent on 12.09.2019, the petitioner had completed 18 years of age and the third respondent ought to have considered the same before passing the impugned order. The learned counsel submitted that the only ground on which the application was rejected was due to the fact that the petitioner was a minor at the time when the application was made. Now that the petitioner has completed 18 years of age, the third respondent must be directed to consider the claim made by the petitioner seeking for compassionate appointment.

5. Mr.P.S.Siva Shanmugasundaram, appearing on behalf of the respondents submitted that at the time when the application was submitted by the petitioner, the petitioner was admittedly a minor and that is the reason why the third respondent had rejected the application given by the mother of the petitioner. The learned Special Government Pleader further submitted that now that the petitioner has completed 18 years of age, he can make a fresh application and the same will be considered by the third respondent strictly in accordance with law.

6. Taking into consideration the facts and circumstances of the case and the subsequent development that has taken place in this case, this Writ Petition is disposed of with a direction to

the petitioner to submit a fresh application to the third respondent seeking for compassionate appointment. The third respondent shall consider the same on its own merits and strictly in accordance with law and he shall pass appropriate orders within a period of twelve (12) weeks from the date of receipt of representation / application from the petitioner.

7. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
State of Tamil Nadu
Rural Development and Panchayat Raj
Department
Fort St. George, Chennai 600 009.
2. The Director of Rural Development
and Panchayat Raj Department
Saidapet, Chennai 600 015.
3. The District Collector
Collectorate, Vellore District.
4. The Block Development Officer
O/o. The Panchayat Union
Kaveripakkam, Vellore District.

+lcc to the Government Pleader Sr.10393
+lcc to Mr.V.Ravikumar, Advocate Sr.10243

W.P.NO.3148 of 2020

gmr[col]
srg 18/02/2020