

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29179 of 2014

M.Sathishkumar ... Petitioner

Vs.

1.The State of Tamilnadu
Rep. by its Secretary,
Department of Public Works Department,
Fort St.George,
Chennai – 600 009.

2.The Engineer – in – Chief (Buildings),
and Chief Engineer (Building), Chennai Region,
and Chief Engineer (General),
Public Works Department,
Chepauk,
Chennai – 600 005. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the proceedings passed by 2nd respondents in Letter No.S.3(4)/20527/2014 dated 28.01.2014 and quash the same and consequently direct the respondents herein to appoint the petitioner on compassionate grounds to any suitable post.

For Petitioner : Mr.V.Lakshminarayanan
For Respondents : Mr.A.N.Thambi Durai
Special Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the proceedings passed by the second respondent in Letter No.S.3(4)/20527/2014 dated 28.01.2014 and to quash the same and to consequently direct the respondents to appoint the petitioner on compassionate grounds to any suitable post.

2.The case of the petitioner is that the petitioner's father was working as Wireman Grade II in Stanley Hospital and died on 23.03.2010 while he was in service, leaving behind his wife and two sons as his legal heirs. The petitioner completed his XII Standard during the academic year 2013-2014. He made application seeking appointment on compassionate ground after obtaining 'no objection certificate' from his mother and brother, however, vide letter dated 28.01.2014, the said application was rejected by the second respondent on the sole ground that he had not attained the age of majority. According to the petitioner at the time of passing of the impugned letter, he attained the age of majority. Hence, this writ

petition.

3.The learned counsel appearing for the petitioner would submit that *prima facie* the impugned letter is un-sustainable, since the petitioner made application to the respondents along with copy of the transfer certificate and other relevant documents, wherein, his date of birth has been specifically mentioned. He would further submit that since the impugned letter was passed after he attained the age of majority, it is liable to be quashed. Accordingly, he prayed for allowing the writ petition.

4.The learned Special Government Pleader would submit that appointments on compassionate ground are made to the legal heirs of the deceased Government Servant in Public Works Department on humanitarian basis in accordance with relevant Rules and would further submit that the legal heir should submit necessary representation to the Authority concerned within three years from the date of death of the deceased Government servant with necessary qualifications prescribed for the post sought for.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.Perusal of the impugned letter disclose that the application made by the petitioner was rejected by the second respondent on the sole ground that the petitioner had not attained the age of majority. However, perusal of the copy of the petitioner's mark sheet and transfer certificate reveal that at the time of passing of the impugned letter, the petitioner had attained the age of majority. Hence, this Court is inclined to set aside the impugned letter.

7.Accordingly, the impugned letter passed by the second respondent dated 28.01.2014 is set aside and the matter is remanded back to the respondents for fresh consideration. Liberty is granted to the petitioner to send copy of the necessary documents along with a copy of this order to the respondents so as to enable the respondents to pass appropriate orders. The respondents shall consider the application made by the petitioner sympathetically and shall pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

8.This writ petition is allowed. No costs.

23.12.2020

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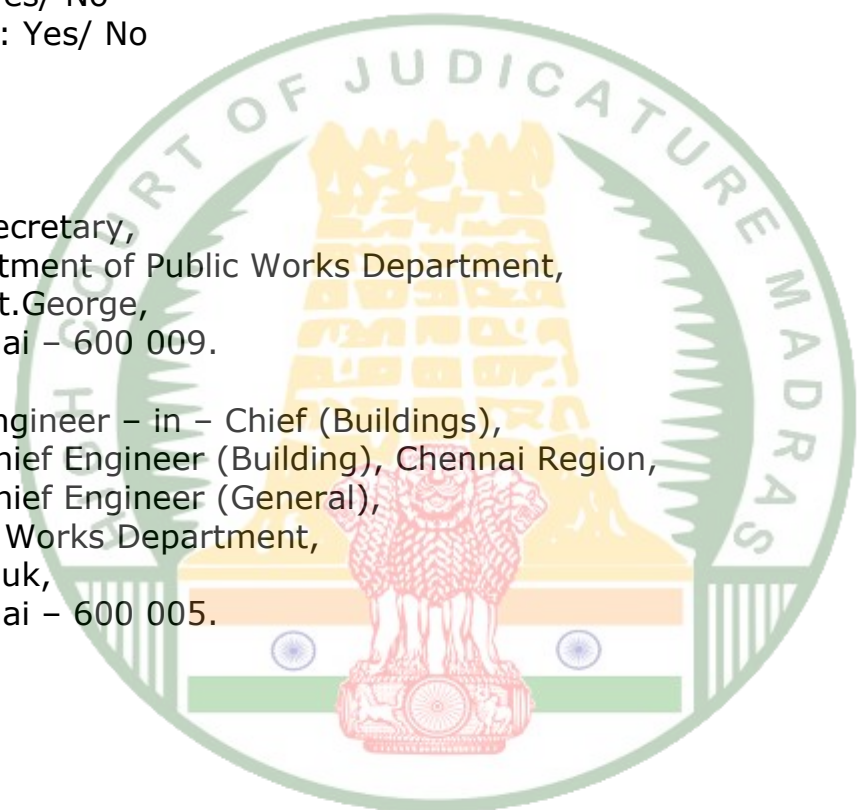
Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

- 1.The Secretary,
Department of Public Works Department,
Fort St.George,
Chennai – 600 009.
- 2.The Engineer – in – Chief (Buildings),
and Chief Engineer (Building), Chennai Region,
and Chief Engineer (General),
Public Works Department,
Chepauk,
Chennai – 600 005.

The seal of the Madras High Court is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital of Ashoka in front of it. The gopuram is set against a background of the Indian national flag's saffron, white, and green horizontal stripes. The words "HONOURABLE COURT OF JUDICATURE MADRAS" are inscribed in a green circular border around the central image. Below the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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