



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2020

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.4310 of 2014

S.Murugan

... Petitioner

Vs

The District Collector,
Tirunelveli District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent in Pa.Mu.A4/24500/2013 dated 06.02.2014 and quash the same and consequently, direct the respondents to provide suitable appointment to the petitioner based on the Educational Qualification.

For Petitioner : Mr.V.Muthukamatchi

For Respondent : Mr.D.Muruganandam

Additional Government Pleader

ORDER

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

2.The father of the writ petitioner served as Village Assistant and died on 05.09.2008, while he was in service.

3.The learned counsel for the petitioner states that the application for compassionate appointment was filed by the petitioner in the year 2009 and he was awaiting an order of appointment from the respondent. However, no order has been passed. The District Collector passed the impugned order only on 06.02.2014, after a lapse of about 5 years from the date of submission of the application. The reason stated for rejection of the application is that the petitioner has completed 37 years 3 months and 2 days from the date of the death of the deceased employee. Therefore, the petitioner was over-aged as on the date of the death of the Government employee and his case cannot be



4.The learned counsel for the writ petitioner referred to the consolidated instructions now issued by the Government, dated 23.01.2020. In G.O.Ms.No.18 Labour and Employment(Q1) Department, dated 23.01.2020, relying on the said consolidated instructions issued, the learned counsel for the petitioner has stated that the age limit prescribed is 40 years and therefore, the case of the petitioner is to be considered with reference to the date of the death of his father.

5.The consolidated Government Order issued in the year 2020, cannot be relied upon for the purpose of granting of compassionate appointment with reference to the date of the death of the deceased Government Employee. At the time of passing of the impugned order on 06.02.2014, the age limit fixed was 35 years and as on the date of the death of the deceased employee, the petitioner was aged about 37 years 3 months and 2 days. Thus the case of the writ petitioner was rejected .

6.This apart, the petitioner is now aged about 50 years, under these circumstances, his case cannot be considered for appointment on compassionate ground. In view of the fact that the penurious circumstances arose on account of the sudden death of the Government Employee became vanished. One of the conditions stipulated in the scheme of compassionate appointment is that the family must be indigent circumstances and must be eligible to secure appointment on compassionate ground. The father of the petitioner died in the year 2008 and now 12 years lapsed. Even at the time of death of his father, the petitioner was aged about 37 years, now after 12 years from the date of the death of the deceased employee, the penurious circumstances arose cannot be existed and even if exit, it is not on account of the death of the deceased employee.

7.This being the factum, now at this length of time after 12 years, the case of the petitioner cannot be considered. Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

The District Collector,
Tirunelveli District.

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+1 CC to SGP (SR-23111[F] dated 27/11/2020)

+1 CC to Mr.V.MUTHU KUMATCHI, Advocate (SR-23211[F] dated
30/11/2020)

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MA (CO)

KM (08.12.2020) 3P 4C