



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 07.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.568 of 2018
and
W.M.P.No.700 of 2018

R.Sampath

...Petitioner

Vs

1.The Tahsildhar
Tahsildhar Office,
Ponneri Taluk,
Thiruvallur District.

2.The District Collector,
District Collector Office,
Thiruvallur District,
Thiruvallur.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus calling for the records in Na.Ka.No.A1/19006/2017 on the file of second respondent herein and to quash the order dated 12.10.2017 as unsustainable in law and to direct the respondents to consider petitioner's representation dated 11.08.2017 and appoint him to the post of Office Assistant in the office of the first respondent on compassionate grounds within the time frame.

For Petitioners : Mr.G.Prabhakaran

For Respondents : Mr.K.V.Sajeew Kumar
Government Counsel

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner's father Mr.Radha Krishnan, while serving as a Village Assistant, died of harness on 02.07.2017. The petitioner herein is the son of late Mr.Radha Krishnan and



claims to belong to Scheduled Caste Community. The petitioner's claim for appointment on compassionate grounds came to be rejected by the second respondent herein, on the ground that under Section 15 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, the maximum age limit for appointment is 35 years and since the petitioner herein had crossed the age of 35 years, he is not entitled to seek for compassionate appointment.

3. The learned counsel for the petitioner submitted that the petitioner is now under the age of 40 years and since the Government has now issued a comprehensive order in G.O.Ms.No.18, Labour and Employment Department dated 23.01.2020, whereby, the maximum age limit for appointment on compassionate grounds has been raised to 40 years, he may be given an opportunity to have his candidature considered.

4. Though the original order of rejection cannot be strictly found fault with, since at the time of rejection of the petitioner's claim for compassionate appointment, the maximum prescribed age limit as before the Tamil Nadu Government Servants Act, 2016, was 35, by taking into account the relaxation of the age under G.O.Ms.No.18, this Court is of the view that the petitioner can be given one opportunity to make a fresh request for compassionate appointment, in view of the relaxation made by the Government.

5. In the light of the above observations, the petitioner is granted liberty to make a fresh application to the second respondent seeking for appointment on compassionate grounds, within a period of 2 weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent shall consider the same, in the light of the comprehensive guidelines in G.O.Ms.No.18, dated 23.01.2020, as expeditiously as possible, in any event, within a period of 6 weeks from the date of receipt of the application.

6. The writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

hvk



To

1.The Tahsildhar
Tahsildhar Office,
Ponneri Taluk,
Thiruvallur District.

2.The District Collector,
District Collector Office,
Thiruvallur District,
Thiruvallur.

+1cc to Mr.G.Prabhakaran, Advocate, S.R.No.31827

W.P.No.568 of 2018
and
W.M.P.No.700 of 2018

AK-II (CO)
RVM(27/07/2021)