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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2021

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P. No.24058 of 2021

G.Sivarajan

... Petitioner

Vs

1. The State represented by
The Secretary,
Rural and Panchayat Raj Development,
St. Fort George, Chennai - 600 009.
2. The Director
Rural and Panchayat Raj Development,
Panagal Maligai, Saidapet, Chennai - 600 015.
3. The District Collector,
District Collector Office,
Thanjavur District.
4. The Block Development Officer,
Peravurani Grama Panjayat Union,
Thanjavur District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to pass order for granting appointment on compassionate ground based on the eligible qualification of the petitioner in the post of Junior Assistant by considering the representations submitted by the petitioner dated 29.09.2021 within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.J.Stalin

For Respondents : Mr.V.Manoharan,
Government Advocate - R1 to R3

Mr.Stalin Abimanyu - R4



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The case of the petitioner is that his father was employed as a Road Worker in Government of Tamil Nadu in Peravurani Grama Panchayat Union, Thanjavur District. While in service, he died on 30.09.1999 leaving behind the petitioner, four children and the widowed mother. According to the petitioner, he was 13 years old when his father died in 1999.

2. After attaining majority, the petitioner appears to have submitted an application in a proper format on 17.03.2006 to the District Collector/the third respondent herein. However, the application had been kept pending and there was no response from the respondents.

3. According to the petitioner, though number of representations have been submitted by him periodically in terms of G.O.Ms.No.155, Labour and Employment Department dated 10.12.2014 seeking appointment on compassionate ground, the last of the representation was stated to be submitted on 29.09.2021, there is no response from the respondents. Hence, the petitioner is before this Court with the prayer for issuance of writ of mandamus to direct the respondents to consider his last representation dated 29.09.2021.

4. From the above factual narrative, it may be seen that the father of the petitioner, who was a Government employee, died as early as in 1999. Although the claim of the petitioner was that at that time he was 13 years old and was minor, nevertheless he attained majority in 2004 itself and thereafter 16 years have gone by. Repeated representations do not extend the cause of action, which had originally arisen in 1999.

5. Moreover, the scheme of compassionate appointment stipulates three year limitation period for submission of application and consideration thereof. In the present case, the first of the representation was submitted only on 17.03.2006, 7 years after the demise of the Government employee. It is needless to mention that the scheme for compassionate appointment contemplate immediate employment assistance to the family of the deceased employee and such offer of employment cannot be kept open for an indefinite period of time.

6. For the above said reasons, this Court finds that the claim of the petitioner herein is hopelessly time barred and such a stale claim cannot be entertained at this distance of time.



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7. In the above circumstances, this Writ Petition stands dismissed at the admission stage. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

s1

To

1. The State represented by
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+1cc to the Government Pleader, S.R.No.58205

W.P. No.24058 of 2021

NR(CO)
SU(30/11/2021)