



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.11.2021**

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.[MD].No.128 of 2020
and
W.M.P (MD) .No.77 of 2020

D.Velayudham
S/o.V.Dekshnamoorthy

: Petitioner

Vs.

1.The Principal Chief Conservator of Forest,
Panagal Maligai,
Saidapet,
Chennai-600 015.

2.The Conservator of Forest,
Tirunelveli Region,
Tirunelveli-7.

3.The District Forest Officer and Wild Life Warden,
Kanyakumari Division,
174, College Road,
Municipality Campus,
Nagercoil-629 001.

: Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent vide e/f/vz;/g/1/2950/2006 dated 29.07.2019 and quash the same and consequently directing the respondents to appoint the petitioner either as Forester or as Junior Assistant on Compassionate ground in their department.

For Petitioner : Mr.C.T.Perumal

For Respondents : Mr.V.Nirmal Kumar
Government Advocate

ORDER

This Writ Petition is filed as against the order dated 29.07.2019 passed by the third respondent in ந.க.எண்.பு/1/2950/2006, in and by which the request of the petitioner for compassionate appointment was rejected on the ground of age.



2.The case of the petitioner is that his father namely V.Dekshnamoorthy died on 10.09.2002, while he was working as Forest Ranger under the jurisdiction of the third respondent. The petitioner made an application on 21.10.2002 before the third respondent requesting to appoint him as Forester in the Department on compassionate ground. In the mean time, he got an appointment as Computer Instructor in the Government Higher Secondary School, Vadasery, Nagercoil on 10.11.2008. Thereafter, he informed the same to the third respondent office on 10.01.2009 by way of written intimation that he got a Government Job and he is not pressing the application for the compassionate appointment. Pursuant to an order of this Court, the appointment of Computer Instructor was cancelled and in the year 2013 he was removed from service. Thereafter, he revived the application for compassionate appointment, but the same was rejected by the impugned order by referring his age. Challenging the same, the present writ petition is filed.

3.The learned Government Advocate appearing for the respondents submitted that in the year 2013, the petitioner has revived his application for compassionate appointment, but, by then, he crossed the age limit. He further submitted that as per the Section 15 of Tamil Nadu Government Servants (Conditions of Service) Act, 2016, the petitioner is not entitled for compassionate appointment after 35 years of age.

4. Section 15 is extracted hereunder:-

"Notwithstanding anything contained in the special Rules for various state and sub ordinate services regarding the maximum age limit for appointment by direct recruitment, in the case of appointment by compassionate grounds, the maximum age limit shall be 35 years in respect of sons or the unmarried daughters and 50 years in respect of wife or husband of the Government Servant, who died in harness while in service or retired from service on medical invalidation before attaining the age of 53 years as the case may be"

4. Section 15 of Tamil Nadu Government Servants (Conditions of Service) Act, 2016, Prescribes maximum age limit for compassionate appointment as 35 years. Now, the petitioner has crossed that age limit and therefore, this Court does not find any error in the impugned order warranting an interference from this Court. Accordingly, the writ petition is dismissed. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

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Sub Assistant Registrar (CS)



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To

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Tirunelveli-7.

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+1 CC to M/s.SPL GP (SR-35453[F] dated 23/11/2021)

+1 CC to M/s.C.T. PERUMAL, Advocate (SR-35553[F] dated 23/11/2021)

ORDER MADE IN
W.P. [MD].No.128 of 2020
22.11.2021

PKP/25.02.2022/3P/6C