



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

and

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.A.(MD)No.686 of 2012

Seethalakshmi

...Appellant /Writ Petitioner

-Vs-

1.The Secretary and Department of Tiny and
Small Industries,
Government of Tamil Nadu,
Fort, St. George,
Chennai - 600 009.

2.The Tamil Nadu Small Industries Corporation
Ltd., (TANSI),
Thiru.Vi.Ka.Industrial Estate,
Guindy,
Chennai - 600 032.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed by the Hon'ble Court in W.P.No.14227 of 2011, dt:14.12.2011 and allow the Writ Petition.

Prayer in WP(MD). 14227/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS, by calling for the records relating to the proceedings of the first Respondent in letter No.2301/F/10-5, dated 08-07-2010 and quash the same and consequently direct the Respondents to give suitable appointment on Compassionate Ground to the petitioner on the basis of her original petition and subsequent representations dated 25-03-2010 and 20-08-2010.

For Appellant	: Mrs.Vijayakumari Natarajan
For Respondents	: Mr.K.P.Narayanakumar
	Special Government Pleader

JUDGEMENT

(Order of the Court was delivered by **S. KANNAMMAL, J.**)

The instant Writ Appeal is directed against the order, dated 14.12.2011 made in W.P (MD)No.14227 of 2011.

2.The short facts leading to the filing of Writ Appeal are as follows:

The father of the writ petitioner/appellant Mr. Solaiappan, while serving as a Storekeeper in Tamil Nadu Small Industries Corporation (TANSI) in Pettai, Tirunelveli, died on 14.02.1994,

<https://hcservices.ecourts.gov.in/hcservices/>



leaving behind the petitioner, her mother namely Vaiyammal and two sons.

3.The writ petitioner was not able to make any application seeking compassionate appointment since she did not attain majority and she was only 14 years old at the time of her father's death.

4.Subsequently, the petitioner applied for compassionate appointment only on 11.01.2008, but the said representation was not considered in view of the ban order issued by the Government. However, when the petitioner was informed by communication, dated nil August 2008, declining to consider her request to appoint her on compassionate ground, she challenged the said order in W.P(MD) No.10229 of 2008 to quash the communication, dated 10.09.2008 issued by the second respondent therein, namely, Tamil Nadu Small Industries Corporation Ltd., (TANSI), Government of Tamil Nadu, Chennai.

5. In the above said Writ Petition, vide order dated 10.02.2010, a direction was issued to the second respondent therein, to consider the case of the writ petitioner by taking into account the overall circumstances. In the light of the said order, the second respondent therein vide order dated 08.07.2010, declined to consider the request of the petitioner for compassionate appointment.

6. Aggrieved by the said order dated 08.07.2010, W.P(MD) No.14227 of 2011 has been filed by the writ petitioner on the ground that the Government has issued G.O.Ms.No.165, Labour and Employment Department (Q2) Department, dated 30.08.2010, by which, it has been made clear that the married daughter is also entitled to get employment on compassionate ground.

7. However, after hearing the learned counsel for the parties, the learned Single Judge vide order dated 14.12.2011, dismissed the said writ petition and rejected the plea of the writ petitioner/appellant for appointment on compassionate ground, which is under challenge in this writ appeal.

8. Heard the learned counsel appearing for the appellant and the learned Special Government Pleader appearing for the respondents and perused the materials placed before the Court.

9. The learned Single Judge while dismissing the writ petition has made an observation that G.O.Ms.No.165, dated 30.08.2010 cannot be applied to old cases which was already considered and rejected by the respondents. Besides it was further held that the writ petitioner had applied for compassionate appointment after (14) fourteen years from the date of death of her father ie., 14.02.1994.

10. On perusal of records, it is seen that the appellant has
<https://hcservices.courts.gov.in/hcservices> filed application for compassionate appointment on



11.01.2008. As per the copy of the application annexed in Page No.6 of the typed set of papers, her date of birth is shown as 30.06.1978. The time limit for filing application seeking appointment on compassionate ground is three years from the date of death of the employee, whereas the writ petitioner filed her application on 11.01.2008, which is obviously a belated one. Further, though the petitioner has claimed her right in view of G.O.M.S.No.165, dated 30.08.2010, the said G.O., cannot have any retrospective effect and cannot be applied to old cases.

11.In view of the above, we are of the view that the learned Single Judge has correctly dismissed the Writ Petition with clear reasoning. Therefore, no interference is required at the hands of this Court. Hence, the Writ Appeal is liable to be dismissed.

12.Accordingly, this Writ Appeal stands dismissed by confirming the order, dated 14.12.2011 passed in W.P (MD)No.14227 of 2011. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsd

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Secretary and Department of Tiny and Small Industries,
Government of Tamil Nadu,
Fort, St. George,
Chennai - 600 009.

2.The Tamil Nadu Small Industries Corporation
Ltd., (TANSI),
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai - 600 032.

+1 CC to M/s.GP (SR-2597[F] dated 01/02/2021)

+1 CC to M/s.S.NATARAJAN, Advocate (SR-2462[F] dated 29/01/2021)

W.A.(MD)No.686 of 2012
27.01.2021

sj(CO)