



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.5915 of 2019

and W.M.P. (MD) .Nos.4742 and 4743 of 2019

WEB COPY

M.Meeran Mohaideen

...Petitioner

Vs.

1.The Director,
Tamil Nadu Fire service,
17, Rukmani Laxmipathi Road,
Egmore, Chennai.

2.The District Officer,
Fire Service,
Theni, Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to Na.Ka.No.17430/24/2016, dated 30.12.2016 of the 1st respondent and quash the same and further to direct the respondents to provide compassionate appointment to the petitioner.

For Petitioner : Mr.T.S.Mohamed Mohideen

For Respondents : Mr.S.Dayalan

Government Advocate

O R D E R

Heard Me.T.S.Mohamed Mohideen, learned counsel appearing for the petitioner and Mr.S.Dayalan, learned Government Advocate, appearing for the respondents.

2.This writ petition has been filed challenging the rejection of the petitioner's claim for compassionate appointment. The deceased employee namely Mohamed Anifa died on 22.12.1994. As per the impugned order, the deceased employee's wife had made an application on 10.05.1999, seeking for compassionate appointment for her eldest daughter M.Fatima. As per the affidavit of the petitioner, the petitioner's sister has also made an application on 09.04.1999, seeking for compassionate appointment. Apparently, both the applications have been filed after the expiry of three years from the date of death of the employee, which is contrary to the guidelines issued in G.O.Ms.No.18 Labour and Employment Department, dated 23.01.2020. The subsequent applications made by the petitioner after attaining majority cannot be considered as a continuation of the original application, since the original application itself was made after the expiry of three years.



3.The concept of compassionate appointment is to redress a family, which are in distressed circumstances. With this concept in mind, the Government had come out with such compassionate appointment. This Court has also entertained the applications, whenever the minor children had subsequently made an application after attaining majority, but subject to the condition that the original application ought to have been made, when the petitioner was minor, within a period of three years from the date of death of the employee. In the instant case, the original application has been admittedly made after the period of three years and therefore, I do not find any fault with the findings of the respondents in rejecting the petitioner's application.

4.Hence, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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 Director,
Tamil Nadu Fire service,
17, Rukmani Laxmipathi Road,
Egmore, Chennai.

2.The District Officer, Fire Service,
Theni, Theni District.

+1 CC to SGP (SR-2609[F] dated 01/02/2021)

+1 CC to Mr.T.S.MOHAMED MOHIDHEEN, Advocate (SR-2632[F] dated 01/02/2021)

W.P. (MD) No.5915 of 2019

29.01.2021

KM (09.02.2021) 2P 5C

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