



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :05.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.1532 of 2021

and

C.M.P. (MD)No.6303 of 2021

A.Jeyanthi

... Appellant/Petitioner

Vs.

1.The Government of Tamilnadu,
represented by the Secretary to Government,
Home Department, Secretariat,
Chennai-9.

2.The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam,
Chennai-34.

3.The District Collector,
Kanyakumari District at Nagercoil.

4.The Deputy Commissioner/Executive Officer,
Incorporated and Un-incorporated Devaswoms,
Suchindram Thanmumalayam Koil,
Suchindram,
Kanyakumari District.

... Respondents/Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent against the order passed by this Court in W.P.(MD)No.6855 of 2021, dated 26.03.2021, on the file of this Court.

Prayer in WP(MD). 6855/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court . To issue a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the 4th respondent impugned order in Na.Kaa.no. 1341/2019/U1 dt 26.12.2020 and quash the same and consequently to direct the 4th respondent to pass orders in the light of order passed by this Honble Court in wp(md) 25834/2019 dt 16.12.2019



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For Appellant : Mr.S.Ramasamy
For Respondents : Mr.B.Saravanan
Government Advocate
for R.1 to R.3
: Mr.B.Sathiya Singh
Standing Counsel for R.4

JUDGMENT

(Judgment of this Court was made by **M.DURAISWAMY, J.**)

Challenging the order passed in W.P.(MD)No.6855 of 2021, the writ petitioner has filed the above writ appeal.

2. The appellant filed the writ petition to issue a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the fourth respondent, dated 26.12.2020 and quash the same and consequently to direct the fourth respondent to pass orders in the light of the order passed by this Court in W.P.(MD)No.25834 of 2019, dated 16.12.2019.

3. It is the case of the appellant that her father was working as watchman in the fourth respondent Corporation and had died on 17.01.1996. Though the appellant contended that her mother had given a representation seeking for compassionate appointment to her on 19.01.1998, the said contention was not established by the appellant in any manner whatsoever. As per the records, the appellant had submitted the application for compassionate appointment only on 18.01.2006, that is, after ten years from the date of death of her father.

4. The learned Single Judge, taking into consideration G.O.Ms.No.120, Labour and Employment Department, dated 26.06.1995, which has been stated that an application for compassionate appointment should be made within a period of three years from the date of death of the Government servant and also taking into consideration another Government Order in G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020, which also reiterated the condition stated in G.O.Ms.No.120, found that since the appellant had submitted her application seeking for compassionate appointment only on 18.01.2006, she is not entitled for compassionate appointment.

5. The learned Single Judge has rightly, taking into consideration the two Government Orders referred above, declined to grant the relief sought for in the writ petition. In view of the two Government Orders, the application submitted by the appellant on 18.01.2006, that is, after ten years from the date of death of her father, cannot be considered.



6. In such view of the matter, we do not find any error or irregularity in the order passed by the learned Single Judge. Accordingly, the Writ Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL

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 to Government,
Home Department, Secretariat,
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- 2.The Commissioner,
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Suchindram Thanmumalayam Koil,
Suchindram,
Kanyakumari District.

+1 CC to M/s.K.SATHIYA SINGH, Advocate (SR-25324[F] dated 05/08/2021)

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and

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RK (12.08.2021) 3P 6C