



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.14136 of 2020

and

W.M.P. (MD) No. 11785 of 2020

Renuka Devi

... Petitioner

-vs-

1.The District Collector,
Karur District,
Karur.

2.The Assistant Director of Rural Welfare (Audit)
O/o. The District Collector,
Karur.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, calling for the records relating to the proceedings of the 1st respondent made in Na.Ka./Pava 4/5761/2019 dated 04.05.2020 and quash the same and consequently direct the 1st respondent to grant compassionate appointment.

For Petitioner : Mr.R.Murali for
Mr.K.Govindarajan

For Respondents : Mr.A.K.Manickam,
Standing Counsel for State

O R D E R

The prayer in this writ petition is for issuance of a writ of certiorarified mandamus to quash the order dated 04.05.2020, passed by the first respondent and to direct the first respondent to grant compassionate appointment.

2. The case of the petitioner is that his father was working as Superintendent in the office of the second respondent and he died on 04.04.2010, while he was in service. On 19.09.2011, the petitioner made an application to the respondents seeking compassionate appointment. However, the request of the petitioner was rejected on 21.09.2011. Challenging the same, the petitioner has filed a petition in W.P.(MD)No.15716 of 2012. This Court, by order dated 01.02.2013 allowed the said Writ petition, directing the respondents to reconsider the claim of the petitioner for



compassionate appointment. Pursuant to the said order, the petitioner made a representation. However, by the impugned order, the first respondent rejected the claim of the petitioner on the ground that the petitioner has crossed the age of 40 years. Challenging the same, the present writ petition has been filed.

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3. The learned counsel appearing for the petitioner submitted that the first respondent has passed the impugned order without properly appreciating the facts of the case. He further submitted that as per the Government Order in G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020, the maximum age limit for submitting the application is prescribed as 40 years. The petitioner has submitted the application at the age of 31 years. Without discussing the aforesaid provision of the Government Order, the respondent has passed a cryptic and a non-speaking order. Hence, the impugned order is liable to be set aside.

4. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel for Government appearing for the respondents and perused the materials available on record.

5. On a perusal of the records, it is seen that as per the Government Order in G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020, the maximum age limit for submitting the application is prescribed as 40 years. The petitioner has submitted the application at the age of 31 years. Without taking note of the said Government Order, the respondent has passed a cryptic and non-speaking order. Therefore, this Court is of the view that the impugned order is liable to be set aside.

6. Accordingly, the impugned order dated 04.05.2020 is set aside and the matter is remitted back to the first respondent for fresh consideration. The first respondent is directed to pass an order by taking note of the Government Order in G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. This Writ Petition is allowed with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSII)

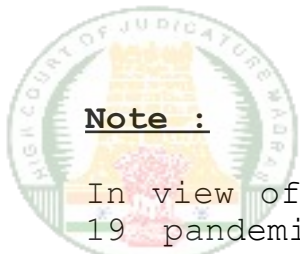
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Sub Assistant Registrar(CS)

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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 District Collector,
Karur District,
Karur.

2.The Assistant Director of Rural Welfare (Audit)
O/o. The District Collector,
Karur.

+1 CC to M/s.SPL GP (SR-27626[F] dated 31/08/2021)

+1 CC to M/s.K.GOVINDARAJAN, Advocate (SR-27551[F] dated 27/08/2021)

W.P.(MD) No.14136 of 2020
and W.M.P.(MD) No.11785 of 2020
26.08.2021

ES(CO)

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