



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.6445 of 2018

A.Palanichamy

... Petitioner

Vs.

1.The Principal Secretary,
Commissioner of Land Reforms,
Chepauk,
Chennai - 600 005.

2.The Director of Land Reforms,
O/o.Director of Land Reforms,
Chepauk,
Chennai - 600 005.

3.The District Collector,
Trichy Collectorate,
Trichy.

4.The Assistant Commissioner,
Land Reforms,
Trichy Collectorate,
Trichy.

5.Dr.R.Krishnan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order in Pa.Mu.A4/22621/2019, dated 07.11.2017 issued by the 3rd respondent and to quash the same as arbitrary, unreasonable and illegal and contrary to the application, dated 28.11.2001 submitted to the 3rd respondent for voluntary retirement on medical grounds and to direct the 3rd respondent to provide the petitioner an appointment on compassionate ground as per G.O.M.S.No.10, dated 13.02.2009.

For Petitioner

:Mr. Y.Krishnan

For Respondents

:Mr. S.Shanmugavel

Standing Counsel for R1 to R4

: No Appearance for R5



O R D E R

This Writ Petition has been filed challenging the order passed by the third respondent dated 07.11.2017 and for a consequential direction to the third respondent to provide the petitioner an appointment on compassionate ground as per G.O.M.S.No.10, Labour and Employment (Q1), dated 13.02.2009.

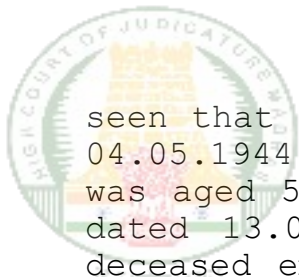
2. According to the petitioner, his father viz., S.Arunachalam, joined in the third respondent office as Peon and thereafter, he was posted at the office of the fourth respondent. On 28.11.2001, the petitioner's father submitted an application on 28.11.2001, along with medical records for Voluntary Retirement Service, due to his heart ailments. The third respondent, by proceeding dated 28.03.2002, allowed the petitioner's father to retire from service. Thereafter, the petitioner's father died on 28.05.2009. After the death of the petitioner's father, the petitioner has submitted an application on 05.10.2009, seeking to provide an appointment on compassionate ground as per G.O.M.S.No.10, Labour and Employment (Q1), dated 13.02.2009. The respondents have not passed any order on the said representation. Again, the petitioner made a representation on 29.08.2011. However, the third respondent, by the impugned order dated 07.11.2017, rejected the claim of the petitioner. Hence, the petitioner has come out with the present Writ Petition.

3. The learned counsel appearing for the petitioner submitted that the third respondent, without taking note of the Government Order in G.O.Ms.No.10, Labour and Employment (Q1), dated 13.02.2009, passed the impugned order and therefore, the same is illegal and prays for allowing the Writ Petition.

4. The third respondent has filed counter affidavit. The learned Standing Counsel for State appearing for respondents 1 to 4 submitted that the petitioner's father gave application for voluntary retirement not on the ground of medical invalidation, but citing routine health reasons only. Further, the petitioner's father did not produce any medical records in support of his claim. Further, the learned Standing Counsel for State appearing for the respondents draw the attention of this Court to the Service Register of the petitioner's father and would submit that that the date of birth of the deceased employee was shown as 04.05.1944. Therefore, the the impugned order does not warrant interference of this Court.

5. I have anxiously considered the rival submissions and also perused the materials placed on record.

6. According to the petitioner, his father was submitted an application on 28.11.2001, at the age of 52 years. However, on



seen that the date of birth of the petitioner's father was shown as 04.05.1944 and therefore, at the time of voluntary retirement, he was aged 57 years. In G.O.Ms.No.10, Labour and Employment (Q1), dated 13.02.2009, it is very clear that the legal heirs of the deceased employee, who voluntarily retired from service below the age of 53 years alone are eligible to be considered for compassionate appointment. Therefore, the petitioner is not entitled to get the relief of appointment on compassionate ground.

7. In view of the above facts, there is no merit in this Writ Petition. Consequently, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

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

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Trichy.

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



+1 CC to M/s.Y.KRISHNAN, Advocate (SR-25297[F] dated 05/08/2021)

+1 CC to M/s.GP (SR-25480[F] dated 06/08/2021)

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**W.P. (MD) No.6445 of 2018
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GS (18.08.2021) 4P 7C