



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WEB COPY

W.P. (MD) No.15117 of 2018

and

W.M.P. (MD) No.13689 of 2018

R.Geethan ... Petitioner

-VS-

1.The Commissioner
Directorate of Technical Education
Guindy, Chennai-600 025

2.The Principal
N.M.S.Kamarajar Polytechnic College
Palavilai, Kanyakumari District ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records passed by the first respondent in letter No.16531/C2/2017, dated 21.02.2018 and quash the same and consequently direct the respondents herein to consider the case of the petitioner for appointment on compassionate grounds.

For Petitioner : Mr.K.Vamanan
For Respondents : Mr.S.Shanmugavel
Government Counsel for R1
Mr.N.Dilip Kumar for R2

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 21.02.2018, passed by the first respondent and to direct the respondents to consider the case of the petitioner for appointment on compassionate grounds.

2. The case of the petitioner is that his father was working as Skilled Assistant in the second respondent College and he died on 12.04.1997, while he was in service. On 10.09.2014, the petitioner made an application to the second respondent seeking compassionate appointment. However, the request of the petitioner was rejected on the ground that the application was not



made within the prescribed period of three years. Challenging the same, the present writ petition has been filed.

3. Identical issue came up before the Honourable Division Bench of this Court in W.A.No.1749 of 2019 (**Sudhanthira Devi vs. The State of Tamil Nadu and others**) [in the said Judgment, myself (DKKJ) is one of the member] and the Division Bench, by Judgment dated 03.09.2019, following the decisions of the Honourable Supreme Court, has held that applications for compassionate appointment submitted beyond the period of three years cannot be entertained.

4. The Honourable Full Bench in Paragraph No.13 of the **Judgment dated 11.03.2020 in W.P. (MD) No.7016 of 2011** has held as follows:

"13. In the light of the above we find that the judgment in the case of A.Kamatchi v. The Chairman, Tamil Nadu Electricity Board, (2013) 2 CWC 758 is not only contrary to the law laid down in the case of E.Ramasamy v. The Chairman, Tamil Nadu Electricity Board, (2006) 4 MLJ 1080, but it also has, as indicated by our brother, Justice Subramonium Prasad, in his judgment, misconstrued the same. In view of what has been indicated above we are also of the view that the period of three years is a rationale and reasonable period under the relevant Government Orders and the rules. We may, however, observe that it is open to the State Government to make any provision for relaxation of the period in exceptionally rare cases on the principles as indicated herein above."

5. Furthermore, G.O.(Ms) No.18, Labour and Employment (Q1) Department, dated 23.01.2020, has clearly prescribed the time limit to prefer application for compassionate appointment as three years from the date of death of the Government servants.

6. In the case on hand, admittedly, the petitioner's father died on 12.04.1997 and the petitioner submitted application for compassionate appointment only on 10.09.2014, nearly after 17 years. Therefore, in view of the above settled legal position, the claim of the petitioner made beyond the prescribed period of three years cannot be entertained and it deserves to be rejected. Accordingly, the impugned order does not warrant any interference of this Court.



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7. In fine, the writ petition fails and it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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.

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To:

The Commissioner,
Directorate of Technical Education,
Guindy, Chennai-600 025.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-25458[F] dated 06/08/2021)

+1 CC to M/s.GP (SR-25492[F] dated 06/08/2021)

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