



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **17.08.2021**

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.24746 of 2018

D.Vijayakumar

... Petitioner

Vs.

1.The Principal Secretary to the
Government of Tamil Nadu,
Department of Revenue,
Secretariate, Chennai.

2.The District collector,
Thanjavur.

3.The Assistant Director/Personal
Assistant to District Collector,
Office of the District Survey,
Thanjavur.

... Respondents

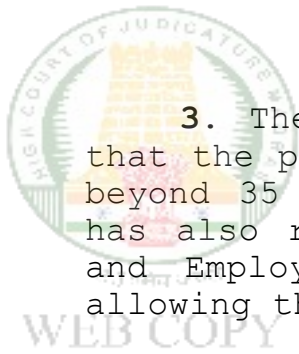
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent in Na.Ka.A2/5496/16(1) dated 29.12.2017 and quash the same as illegal and arbitrary and in consequence thereof direct the third respondent to forward the application submitted by the petitioner seeking compassionate appointment.

For Petitioner : Mr.P.Ganapathi Subramanian
For Respondents : Mr.A.K.Manickam,
Standing Counsel for Govt.

ORDER

The prayer in this writ petition is for issuance of a writ of certiorarified mandamus to quash the order dated 29.12.2017, passed by the third respondent and to direct the third respondent to forward the application submitted by the petitioner seeking compassionate appointment.

2. The case of the petitioner is that his father was working as Field Assistant in the office of the Tahsildar Thiruvaiyar and he died on 14.02.2014, while he was in service. On 13.06.2014, the mother of the petitioner made an application to the third respondent, seeking compassionate appointment for the petitioner. However, the third respondent, by the impugned order dated 29.12.2017, rejected the said application on the ground that the petitioner has completed 35 years of age. Challenging the same, the present writ petition has been filed.



3. The learned counsel appearing for the petitioner submitted that the petitioner is otherwise eligible except the age is crossed beyond 35 years. The learned counsel appearing for the petitioner has also relied upon the Government Order in G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020 and prays for allowing the Writ Petition.

4. The third respondent has filed the counter affidavit and based on the counter affidavit, the learned Standing Counsel for Government appearing for the respondents submitted that as per G.O.Ms.No.9, Labour and Employment (Q1) Department, dated 14.01.1998, the compassionate appointment can be given to the applicant upto 35 years. In the present case, the petitioner attained the age of 42 years and therefore, his appointment cannot be considered.

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

6. On a perusal of the records, it is seen that the the petitioner has attained the age of 42 years and there is no rule for granting age relaxation prescribed by the Government. In the absence of any such relaxation, the relief seeking for compassionate appointment cannot be granted to the petitioner. Even in the present Government Order in G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020, the age limit is prescribed upto 40 years. The said Government Order also will not helpful to the petitioner, since the petitioner has crossed the age of 40 years. Therefore, considering at any angle, the petitioner cannot be granted the relief as sought for in the Writ Petition. Accordingly, the impugned order does not warrant any interference of this Court.

7. In fine, the writ petition fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// 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.

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



To

1.The Principal Secretary,
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Department of Revenue,
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2.The District collector,
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Assistant to District Collector,
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+1 CC to M/s.GP (SR-26735[F] dated 19/08/2021)

W.P (MD) No.24746 of 2018
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RK (25.08.2021) 3P 5C