



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

WEB COPY

Writ Petition (MD)No.14644 of 2016

and

W.M.P. (MD) .Nos.10863 to 10865 of 2016

K.Sakthi

... Petitioner

Vs.

1.The District Collector,
O/o. The District Collectorate Campus,
Sivagangai,
Sivagangai District.

2.The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Manamadurai,
Sivagangai District.

3.The Tahsildar,
O/o. The Tahsildar Office,
Manamadurai,
Sivagangai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the third respondent in his proceedings in O.Mu.A1/622/2016 dated 18.03.2016 and quash the same as illegal and consequently to direct the first respondent to consider the name of the petitioner for employment on compassionate ground taking into account of his educational qualification within the period that may be stipulated by this Court.

For Petitioner

: Mr.Mohammed Imran
for M/s. Ajmal Associates

For Respondents

: Mr.M.Muthu Geethayan
Special Government Pleader

O R D E R

This writ petition has been filed challenging the impugned order passed by the third respondent in O.Mu.A1/622/2016, dated 18.03.2016 and quash the same as illegal and consequently direct the first respondent to consider the name of the petitioner for employment on compassionate ground.



2. The case of the petitioner is that the petitioner's father worked in the Revenue Department as Village Assistant at Kuvalaiveli Group, Manamadurai Taluk, Sivagangai District and died in harness on 31.02.2000, leaving behind the petitioner, his mother and his sister as legal heirs. Hence, the petitioner has submitted his application for appointment on compassionate ground to the first respondent on 05.02.2001 ie., within a period of two months from the date of death of his father. Thereafter, the petitioner and his mother have repeatedly made applications on 07.01.2002, 13.02.2006, 11.09.2006, 18.06.2012, 21.06.2012 and 07.12.2015 respectively. However, none of the applications were considered in time and finally, the impugned order was passed by the third respondent on 18.02.2016, rejecting the last representation given by the petitioner, dated 07.12.2015, on the ground that the application was made beyond the period of three years time. Challenging the same, the present writ petition has been filed before this Court.

3. The learned counsel appearing for the petitioner would submit that the petitioner's father died in the year 2000 and immediately thereafter, the petitioner and his mother repeatedly made applications for compassionate appointment. However, in the impugned order, without analysing the earlier applications and without recording any finding as to whether the family is in indigent circumstances, the third respondent had mechanically rejected the application on the ground of delay. Hence, he prayed for allowing the writ petition.

4. The learned Special Government Pleader appearing for the respondents fairly submitted that the petitioner and his mother repeatedly made applications for compassionate appointment from 2001 onwards and without considering same, the third respondent has simply rejected the same and hence, this Court made set aside the order and remanded the matter back for fresh consideration.

5. Heard the learned counsel for the petitioner, learned Special Government Pleader and perused the materials available on record.

6. On perusal of the records, it is seen that initially the petitioner has made an application on 05.02.2001. Further, the petitioner and his mother have repeatedly made applications on 07.01.2002, 13.02.2006, 11.09.2006, 18.06.2012, 21.06.2012 and 07.12.2015 respectively. However, the third respondent has rejected the petitioner's last application dated 07.12.2015, on the ground that the application was made after 15 years, which is unsustainable one and the authority has failed to consider the earlier application made by the petitioner and his mother. Hence, the impugned order dated 18.03.2016, passed by the third respondent is set aside and the matter is remanded back to the first respondent for fresh disposal and the first respondent, after giving opportunity to the



petitioner, to pass orders, in accordance with the Scheme, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

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,
O/o. The District Collectorate Campus,
Sivagangai,
Sivagangai District.

2.The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Manamadurai,
Sivagangai District.

3.The Tahsildar,
O/o. The Tahsildar Office,
Manamadurai,
Sivagangai District.

+1 CC to SPL GP (SR-1372[F] dated 20/01/2021)

Writ Petition (MD)No.14644 of 2016
19.01.2021

VB (09.02.2021) 3P 5C