



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P (MD) No.22292 of 2017

A.Mathavi

... Petitioner

Vs.

1. The Principal Secretary / Managing Director,
Tamil Nadu Civil Supplies Corporation Limited,
Head Office, Chennai - 600 010.
 2. The General Manager (Administration),
Tamil Nadu Civil Supplies Corporation Limited,
Head Office, Chennai - 600 010.
 3. The Regional Manager,
Office of the Tamil Nadu Civil Supplies Corporation Limited,
Sivagangai Region,
Sivagangai - 630 562.
- ... Respondents

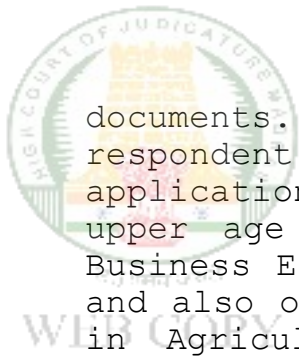
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 3rd respondent in Na.Ka.No.AT2/603/2017, dated 14.11.2017 and quash the same as illegal and consequently directing the respondents to appoint the petitioner in any suitable post under the compassionate grounds due to the death of her father Alagusundaram by considering her application dated 31.10.2017 and for other reliefs.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.M.Muthugeethayan,
Special Government Pleader

ORDER

The case of the petitioner is that the petitioner's father namely., Alagusundaram has been working as Watchman under the third respondent for a period 35 years. During the course of his employment, he died on 20.01.2017 due to heart ailment, leaving behind the petitioner, her mother, her elder brother and her younger sister. There are no earning members in her family and the petitioner's family were put to sever mental agony and financial hardship. Therefore, the petitioner's brother namely., Madhavan submitted an application on 18.04.2017 to the third respondent seeking appointment under compassionate ground with all necessary



documents. The third respondent had forwarded the same to the first respondent. The first respondent rejected the petitioner's brother application on the ground that the petitioner's brother crossed the upper age limit of 36 years. The petitioner is a graduate in Business Economics and completed Diploma in Co-operative Management and also obtained Technical Examination Certificate in Higher Grade in Agricultural Courses. Therefore, the petitioner thereafter submitted an application before the third respondent on 31.10.2017. The said application was also dismissed by the first respondent on the same ground. Hence, the petitioner filed the present writ petition to quash the impugned order and to consider her application for compassionate appointment.

2.The learned counsel for the petitioner submitted that though the petitioner's father died in the year 2017, with regard relaxation of age, the discretion is available to the petitioner as per G.O.(Ms).No.18, Labour and Employment (Q1) Department, dated 23.01.2020. The maximum upper age of limit for compassionate appointment is 40. Hence, the petitioner is entitled to be considered for compassionate appointment. Accordingly, he wants this Court to allow this writ petition.

3.The learned Special Government Pleader appearing for the respondents did not dispute the facts submitted by the learned counsel appearing for the petitioner.

4.This Court is of the opinion is that as per G.O.(Ms) No.18, Labour and Employment (Q1) Department, dated 23.01.2020, the upper age limit is increased. The relevant portion of the said G.O. reads as follows:-

"(iii) The maximum age limit for the son or daughter of the deceased Government Servant and unmarried brother / unmarried sister of the unmarried deceased Government Servant is 40 years at the time of applying."

5.Since the petitioner made her application at the age of 36, the petitioner is entitled for reconsideration. In this view of the matter, the order impugned in this writ petition is quashed and the first respondent is directed to consider the petitioner's application on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. The writ petition is allowed accordingly. No costs.

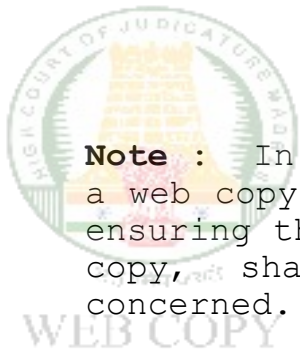
Sd/-

Assistant Registrar()

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Sub Assistant Registrar



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 Principal Secretary / Managing Director,
Tamil Nadu Civil Supplies Corporation Limited,
Head Office,
Chennai - 600 010.
2. The General Manager (Administration),
Tamil Nadu Civil Supplies Corporation Limited,
Head Office,
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Sivagangai Region,
Sivagangai - 630 562.

+1CC to THE SPECIAL GOVERNMENT PLEADER (SR-2038[F] dated 25/01/2021)

+1 CC to Mr.J.LAWRANCE, Advocate (SR-1928[F] dated 22/01/2021)

Order made in
WP (MD) No.22292 of 2017
22.01.2021

IAS
SRS/05.02.2021/3P/6C