



W.P.No.22032 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.22032 of 2015

G.Padmanaban

...Petitioner

-Vs-

1.Government of Tamil Nadu,
Rep. by Secretary to Government,
Rural Development and Panchayat
Raj (OP.1) Department,
Secretariat, Chennai - 600 009.

2.The Joint Secretary to Government,
Rural Development and Panchayat
Raj (OP.1) Department,
Secretariat, Chennai - 600 009.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the orders in (1) Letter No.5012/A.Na.1/2014-1, Rural Development and Panchayat Raj (A.Na1) Department, dated 11.07.2014 of the second respondent and (2) Letter No.40510/OP.1/2007-4, Rural Development and Panchayat Raj (OP.1) Department dated 11.10.2007 of the first respondent, to quash the same and to issue consequential directions to the respondents to provide to the petitioner appointment on compassionate



W.P.No.22032 of 2015

grounds, consequent to the death of the petitioner's father, Thiru.R.Gunasekaran, on 03.11.1995 while working as Assistant Section Officer, Rural Development Department in Tamil Nadu Secretariat.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.P.Balathandayutham,
Special Government Pleader

ORDER

Heard Mr.M.Ravi, learned counsel appearing for the petitioner and Mr.P.Balathandayutham, learned Special Government Pleader for the respondents.

2. The petitioner herein is the son of late R.Gunasekaran, who had served as an Assistant Section Officer in the Rural Development and Panchayat Raj Department in the Tamil Nadu Secretariat. The petitioner's father expired on 03.11.1995, while in service. His widow/petitioner's mother had made an application on 11.05.1996, seeking for compassionate appointment for her son/the petitioner herein, who was aged about 12 years at that relevant point of time. In the said application, she had also mentioned



W.P.No.22032 of 2015

that the petitioner was a physically challenged person. However, no further action was taken on the petitioner's mother's application for compassionate appointment and was kept pending indefinitely. In this background, the petitioner had become a major in the year 2001 and thereafter, he had sought for appointment on compassionate grounds, through his representation dated 19.05.2006. On 11.10.2007, the petitioner's application was rejected by the first respondent, on the ground that he was only 12 years old at the time of death of his father and also that the application is belated, since the same was not made within a period of 3 years. No reference was made to the application made by the petitioner's mother on 11.05.1996, which is within a period of 3 years. A similar order was passed by the second respondent on 11.07.2014. These orders of rejection are under challenge in the present Writ Petition.

3. Under the scheme of appointment on compassionate grounds, the legal heirs of the deceased employee are required to make an application within a period of 3 years from the date of death of the employee. In the instant case, the petitioner's mother had made an application on 11.05.1996, which is within a period of 3 years, seeking for compassionate appointment



for the petitioner herein, which application was not considered in time.

Thereafter, when the petitioner had become a major, he had made an application seeking for compassionate appointment, at which point of time, the respondents had rejected the same, stating that the application was belated.

4. When this scenario came up for consideration before an Hon'ble Division Bench of this Court in the case of ***P.Sathiaraman Vs. The Secretary to Government, Department of Electricity and others passed in W.A.(MD) No.737 of 2013, dated 23.07.2013***, the Hon'ble Division Bench had taken note of the fact that the mother had made an application in time and thereby directed the department to grant compassionate appointment. The relevant portion of the order reads as follows:-

"The Division Bench of the High Court has reversed the judgment of the learned single Judge only on the ground of delay who directed compassionate appointment to the appellant. The appellant was a minor at the time of the death of his father and since the mother of the appellant applied within time, we are of the opinion that the appellant after becoming major



W.P.No.22032 of 2015

should have been granted compassionate appointment."

WEB COPY

5. The facts involved in the present case are similar to that of the case before the Hon'ble Division Bench in *P.Sathiarman's case (supra)*. It is no doubt true that the petitioner was a minor at the time of his father's death. Thus, when the mother had made an application within 3 years seeking appointment for her son, the respondents ought to have considered the mother's application, when the petitioner had become a major, which action was not initiated by the respondents. Thus, by applying the ratio laid down by the Hon'ble Division Bench in *P.Sathiarman's case (supra)*, I am of the view that the petitioner herein would be entitled for appointment on compassionate grounds.

6. In the light of the above observations, the impugned order dated 11.10.2007 passed by the first respondent and the impugned order dated 11.07.2014 passed by the second respondent are quashed. Consequently, there shall be a direction to the first respondent herein to pass appropriate orders, granting appointment to the petitioner on compassionate grounds, atleast within a period of 12 weeks from the date of receipt of a copy of this



W.P.No.22032 of 2015

order.

WEB COPY



W.P.No.22032 of 2015

M.S.RAMESH,J.

hvk

7. Accordingly, the Writ Petition stands allowed. No costs.

03.11.2022

Index:Yes/No

Internet:Yes/No

Speaking order/Non-speaking order

hvk

To

1.The Secretary to Government,
Government of Tamil Nadu,
Rural Development and Panchayat
Raj (OP.1) Department,
Secretariat, Chennai - 600 009.

2.The Joint Secretary to Government,
Rural Development and Panchayat
Raj (OP.1) Department,
Secretariat, Chennai - 600 009.

W.P.No.22032 of 2015