



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.03.2022**

CORAM:

WEB COPY

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.2821 of 2021

and

W.M.P (MD)No.2307 of 2021

G.Amaravathi

... Petitioner

Vs.

1.The Principal Secretary,
Revenue and Disaster Management Dept.,
Secretariat,
Chennai-600 009.

2.The Special Commissioner,
Revenue Administration and Disaster Management,
Cheppakkam,
Chennai-600 005.

3.The District Collector,
Collectorate,
Karur-639 007.

... Respondents

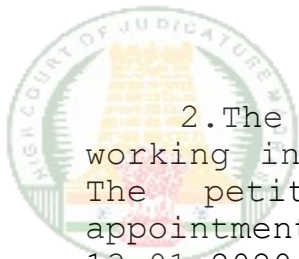
PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the 3rd respondent in Na.Ka.No.A1/20635 dated 11.02.2020 and quash the same as illegal and consequently direct the respondents to give petitioner the compassionate ground appointment, on the death of the petitioner's husband Mr.O.Govindarajan, who served under the 3rd respondent and died on 27.09.2018 within a stipulated time.

For Petitioner : Mr.R.Lakshmanan

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

The order impugned dated 11.02.2020 issued by the third respondent rejecting the claim of the writ petitioner for compassionate ground, is under challenge in the present writ petition.



2.The husband of the writ petitioner Mr.O.Govindarajan, who was working in the Revenue Department, died on harness on 27.09.2018. The petitioner admittedly submitted an application seeking appointment on compassionate ground on 01.07.2019 and thereafter, on 13.01.2020. The said application was rejected by the respondents on the ground that the husband of the writ petitioner was working as a temporary employee and his service was not regularized. Therefore, the scheme of compassionate appointment cannot be extended to the employee whose services are not regularized.

3.The learned counsel for the petitioner made a submission that the petitioner, at the time of submitting the application, has crossed 50 years of age and therefore, over age is to be condoned and she must be provided with an order of appointment.

4.However, the fact remains that the husband of the writ petitioner was not working as a regular employee and his services were not regularized. Furthermore, the petitioner also crossed the age of 50 years and even at the time of filing of the writ petition, the petitioner was aged about 51 years. The age limit prescribed under the Government Scheme cannot be violated. The scheme of compassionate appointment is to be implemented strictly with reference to the terms and conditions stipulated.

5.This being the factum, the petitioner is not eligible for appointment on compassionate ground as per the terms and conditions of the scheme and thus, there is no infirmity as such in respect of the order passed by the third respondent.

6.With these observations, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar

To

1.The Principal Secretary,
Revenue and Disaster Management Dept.,
Secretariat,
Chennai-600 009.

2.The Special Commissioner,
Revenue Administration and Disaster Management,
Cheppakkam,
Chennai-600 005.

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



3.The District Collector,
Collectorate,
Karur-639 007.

+1 CC to M/s.SPL GP (SR-9443[F] dated 02/03/2022)

+1 CC to M/s.R.LAKSHMANAN, Advocate (SR-9373[F] dated 01/03/2022)

ORDER MADE IN
W.P. (MD)No.2821 of 2021
01.03.2022

NS

MS/11.03.2022/3P.6C