



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A. (MD) No.117 of 2022

against WP(MD)No.22178 of 2017

A.Shanmugavel

... Appellant/Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. Assistant Director,
Tirunelveli Divisional Town Panchayat,
Tirunelveli.

3. The Executive Officer,
Special Grade Town Panchayat,
Cheranmadevi,
Tirunelveli.

... Respondents/Respondents

Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 25.01.2021, made in W.P.(MD) No.22178 of 2017.

Prayer in WP(MD). 22178 OF 2017 :

Writ Petition 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 order passed by the 3rd respondent in Ac/15/15266/ dated 20.10.2015 and order dated 30.11.2016 and quash the same further direct the respondents to consider the petitioner for compassionate appointment in the 3rd respondent Town Panchayat.

For Appellant	: Mr.V.M.Jegadeesha Pandian
For Respondents	: Mr.S.R.A.Ramachandran
	Additional Government Pleader

J U D G E M E N T

(Delivered by PARESH UPADHYAY,J.)

Challenge in this appeal is made to the order dated 25 January 2021 recorded on W.P(MD) No.22178 of 2017. This appeal is by the unsuccessful writ petitioner. The representation by the writ petitioner for compassionate appointment, on the death of his father was rejected by the employer, which was questioned in the writ petition, which is dismissed, which is challenged in this appeal.



2.Learned Advocate for the appellant has submitted that, when the father of the petitioner died, the petitioner was about 6 years of age and on attaining the age of majority, the petitioner made application for compassionate appointment, which was not entertained by the employer and therefore petition was filed. It is submitted that the dismissal of the Writ Petition is very harsh to the poor person and therefore this appeal be entertained.

3.Having heard learned advocate for the appellant and having considered the material on record this Court finds that, the father of the petitioner died on 17.02.2001. The appellant/petitioner was about 4 years of age at that time. He attained majority in the year 2015 and he made representation for compassionate appointment thereafter. The appointment is not given by the employer. The Writ Petition was dismissed by the learned Single Judge, taking into consideration the legal precedents. We find that the refusal to exercise discretion in these facts can not be said to be an error, which may call for any interference in an intra-court appeal. This appeal therefore needs to be dismissed.

4.For the above reason, this appeal is dismissed. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The District Collector,
Tirunelveli District, Tirunelveli.
2. Assistant Director,
Tirunelveli Divisional Town Panchayat,
Tirunelveli.
3. The Executive Officer,
Special Grade Town Panchayat,
Cheranmadevi, Tirunelveli.

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