



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2022

CORAM:

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

W.P. (MD) No. 5032 of 2021

WEB COPY

S.Shanmugapriya

... Petitioner

Vs.

1.The Chief Administrative Officer,
Tamil Nadu Khadi & Village Industries Board,
"Kuralagam", Chennai-600 108.

2.The District Collector,
Madurai District.

3.The Additional Director,
Industrial Security & Health
Madurai.

4.The Divisional Assistant Director,
Khadi & Village Industries,
Madurai.

5.The Assistant Director,
Tamil Nadu Khadi & Village Industries Board,
Madurai.

... Respondents

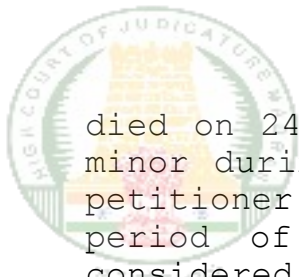
PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to provide the job to the petitioner on compassionate ground in the place of her mother namely T.Vijayalakshmi, workrd as Khadi Assistant Grade III, under the 5th respondent, who died on 24.01.1996 during her service, on the basis of the representation given by the petitioner on 15.07.1998.

For Petitioner : Mr.G.Rajan
For R1, R4&R5 : Mr.Raguvaran Gopalan
For R2 & R3 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondent to provide appointment to the petitioner on compassionate ground.

2.The mother of the writ petitioner Late S.Vijayalakshmi was working as Khadi Assistant Grade-III under the 5th respondent and she



died on 24.01.1996, while she was in service. The petitioner was a minor during the relevant point of time and the father of the writ petitioner submitted an application in the year 1998, within a period of three years. However, the said application was not considered. Khadi Department, in view of the non-availability of vacancy, forwarded the case of the writ petitioner for providing appointment on compassionate ground to the District Collector. The District Collector has not considered the case of the writ petitioner till today. Thus, the writ petitioner constrained to move the present writ petition.

3.The fact remains that the mother of the writ petitioner, who was an employee in Khadi Department, died on 24.01.1996. The employment of the father during the relevant point of time has not been stated in the affidavit clearly, except by stating that the father of the writ petitioner was a coolie, during the relevant point of time.

4.Whether the family was in an indigent circumstances during the relevant point of time is to be considered for providing appointment on compassionate ground. The deceased employee died in the year 1996 and now 25 years lapsed.

5.The learned Standing Counsel appearing for the Khadi Department made a submission that the name of the writ petitioner was already forwarded to the District Collector for consideration.

6.Under these circumstances, on account of efflux of time and considering the fact that during the relevant point of time, when the deceased expired, the petitioner was a minor and further the nature of employment of the father and the indigent circumstances was also scrutinized by the authorities, this Court cannot grant the relief as sought for. However the petitioner is at liberty to pursue the matter, as his name was forwarded to the District Collector for consideration.

7.With these observations, this Writ Petition is disposed of. No costs.

Sd/-

Deputy Registrar (LA & MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Madurai District.

2.The Additional Director,
Industrial Security & Health
Madurai.

3.The Assistant Director,
Tamil Nadu Khadi & Village Industries Board,
Madurai.

+1 CC to M/s.RAGUVARAN GOPALAN, Advocate (SR-9469[F] dated
02/03/2022)

+1 CC to M/s.G.RAJAN, Advocate (SR-9371[F] dated 01/03/2022)

+1 CC to M/s.SPL GP (SR-9504[F] dated 02/03/2022)

W.P. (MD) No. 5032 of 2021
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MGJ(16.03.2022) 3P 7C