



W.A(MD).No.677 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2022

CORAM

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.A(MD).No.677 of 2021

S.Valliraj

...Appellant

Vs.

1.The Government of Tamil Nadu,
Rep.by its Principal Secretary,
Department of Municipal Administration,
and Water Supply,
Fort St.George, Chennai-600 009.

2.The Commissioner of Municipal Administration,
Ezhilagam,
Chennai-600 005.

3.Tirunelveli Corporation,
Rep.by its Commissioner,
Tirunelveli.

... Respondents

PRAYER: Writ Appeal filed under Section 15 of Letters Patent against
the order dated 10.02.2021 passed in W.P(MD).No.8965 of 2016.



W.A(MD).No.677 of 2021

For Petitioner : Mr.M.Saravanan

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1 and R2
MR.S.P.Maharajan
Special Government Pleader for R3

JUDGMENT

(Judgment of the Court was made by **S.S.SUNDAR, J.**)

This Writ Appeal is directed against the order, dated 10.02.2021 passed in W.P(MD).No.8965 of 2016.

2. Heard Mr.M.Saravanan, learned counsel appearing for the appellant, Mr.T.Amjad Khan, learned Government Advocate for the respondents 1 and 2 and Mr.S.P.Maharajan, learned Special Government Pleader appearing for the third respondent

3. From the facts narrated in the grounds filed in support of this appeal, it is seen that the father of the appellant died on 17.12.1996, when he was in service in Tirunelveli Corporation as Sanitary Supervisor. Though an application was filed by the appellant's mother earlier on 18.03.1997, the appellant has filed an application only on



W.A(MD).No.677 of 2021

20.03.2013, nearly after a period of 17 years from the date of death of the employee. Only reason given by the appellant is that since he became major only in the year 2013, he could not submit his application earlier. This Court is unable to accept the contention made by the appellant factually.

4. It is to be noted that the Hon'ble Full Bench of this Court in W.P.(MD)No.7016 of 2011 etc., dated 11.03.2020, has held that an application for appointment on compassionate ground can be considered, only if it is permissible as per the Scheme. In this case, there is no scope for providing appointment on compassionate ground, because the application has been filed by the appellant after a period of 17 years from the date of death of his father. Following the judgment of the Hon'ble Full Bench of this Court, this Court, in the case of ***V.Deepika v. The District Collector, Ramanathapuram District, Ramanathapuram*** in ***W.A(MD).No.682 of 2022*** on 08.07.2022, has held as follows:-

9. The appellant is seeking compassionate appointment by stating that he had applied within three years after attaining majority. The appellant's



W.A(MD).No.677 of 2021

father died on 29.10.2014, the appellant attained majority on 04.12.2017. The appellant's three years period from the date of death is on 28.10.2017. The appellant's mother had applied for compassionate appointment to her minor daughter on 15.05.2015, but as on the date of application the appellant was a minor and has no necessary qualification and hence the claim of compassionate appointment was rejected. The Hon'ble Full Bench has held that the scheme does not permit entertaining an application by a dependent after attaining majority, hence the period of limitation ought to be considered from the date of death alone and not from the date of attaining majority. Therefore, this Court following the judgment of the Hon'ble Full Bench and the principles laid down by the Hon'ble Supreme Court in several cases, is of the considered opinion that the appellant's claim cannot be considered for three years period ought to be considered from the date of death of the deceased employee. In this casae, on the date of the death of deceased employee, the petitioner was a minor and she became major after 3 years. Unless there is scope for relaxing the rules, the application for compassionate appointment is liable to be rejected. The Learned Single Judge has rightly rejected the claim of the appellant and the appellant has not made out any case



W.A(MD).No.677 of 2021

and the writ appeal is liable to be dismissed.

WEB COPY

5. In view of the position explained by this Court, this Court is not inclined to entertain this writ appeal. Accordingly, this Writ Appeal is dismissed. No costs.

[S.S.S.R., J.] [S.S.Y., J.]
18.08.2022

Index :Yes/No
Internet :Yes
ssb

To

- 1.The Government of Tamil Nadu,
Rep.by its Principal Secretary,
Department of Municipal Administration,
and Water Supply,
Fort St.George, Chennai-600 009.
- 2.The Commissioner of Municipal Administration,
Ezhilagam,
Chennai-600 005.
- 3.Tirunelveli Corporation,
Rep.by its Commissioner,
Tirunelveli.



WEB COPY



W.A(MD).No.677 of 2021

S.S.SUNDAR, J.
AND
S.SRIMATHY, J.

ssb

JUDGMENT MADE IN
W.A(MD).No.677 of 2021

18.08.2022