



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:30.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD) .No.5615 of 2022

and WMP (MD) No.4537 of 2022

WEB COPY

M.Guruvuthai

... Petitioner

vs.

1.The Secretary

Department of Social Defence,
New No.300, Purasaiwakkam High Road
Kellys, Chennai 600 010.

2.The Commissioner

Department of Social Defence
New No.300, Purasaiwakkam High Road,
Kellys, Chennai 600 010.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in No.8832/A2/2018 dated 14.01.2020 on the file of the respondent No.2 and quash the same as illegal and consequently direct the respondents to provide appointment to the petitioner on compassionate grounds in any suitable post commensurate with his educational qualification within the time period stipulated by this Court.

For Petitioner
For Respondents

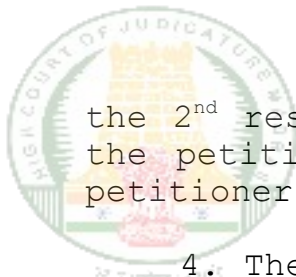
: Mr.T.Lajapathi Roy
: Mr.A.K.Manikkam
Special Government Pleader

O R D E R

Challenging the impugned order dated 14.01.2020 and for a consequential direction to the respondents to provide appointment to the petitioner on compassionate grounds in any suitable post commensurate with his educational qualification, the petitioner is before this Court.

2.By consent, the writ petition itself is taken up for final hearing at the stage of admission itself.

3.The case of the petitioner is that the petitioner's father was working as Office Assistant in the respondent department and he died on 17.02.1984. When the petitioner's father died, the petitioner was three years only and hence, after attaining majority, the petitioner made an application for compassionate appointment on 22.08.2000. Since the same was not considered, the petitioner made representations on 10.01.2006, 31.07.2018 and 14.10.2019. However,



the 2nd respondent has passed an order rejecting the application of the petitioner on 14.01.2020 and hence, challenging the same, the petitioner is before this Court.

4. The learned counsel for the petitioner fairly submitted that when the request for compassionate appointment was made in the year 2000, the petitioner was 20 years and at present the petitioner is about 38 years old. Totally there are 33 years of delay in submitting the representation. However, the learned counsel for the petitioner submitted that the family of the petitioner is in severe financial crisis and therefore, some leniency may be shown to the petitioner.

5. Per contra, the learned Special Government Pleader appearing for the respondents would submit that the petitioner is 38 years old and the request has been made nearly after 33 years and that is the reason why the rejection order was passed on the ground of delay and laches.

6. I have considered the submissions made by the learned counsel on either side and also perused the materials available on record.

7. It is seen that the petitioner's father died as early as in the year 1984. Even according to the petitioner, the first application was made on 22.08.2000, ie., after a period of 16 years. Since the same has not been considered, the petitioner once again sent representation on 14.10.2019. The respondents rejected the application of the petitioner vide impugned order dated 14.01.2020 on the ground of delay and laches. Normally, the application ought to have been made by the petitioner within a period of three years from the date of death of her father. However, in the present case, the petitioner has not made any application within the said three years period. On the other hand, the first application was made after a period of 16 years, ie., in the year 2000 and the second application was made after a period of 32 years. Hence, there is no merit in the submission made by the learned counsel for the petitioner. Accordingly, the writ petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR



To

1.The Secretary
Department of Social Defence,
New No.300, Purasaiwakkam High Road
Kellys, Chennai 600 010.

2.The Commissioner
Department of Social Defence
New No.300, Purasaiwakkam High Road,
Kellys, Chennai 600 010.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-15977[F] dated
01/04/2022)

+1 CC to M/s.SPL GP (SR-15659[F] dated 31/03/2022)

W.P. (MD) .No.5615 of 2022
30.03.2022

MGJ(22.04.2022) 3P 5C