



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2022
CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

**W.P. (MD) No. 7213 of 2019 and
W.M.P. (MD) Nos. 5850 and 5851 of 2019**

S.Mahalakshmi ,
D/o.(Late) Sekar,
Working as Senior Revenue Inspector,
Office of the District Supply Officer,
Collectorate Campus,
Madurai - 625 020.

... Petitioner

Vs.

1. The Additional Chief Secretary /
Revenue Administrative Commissioner,
Revenue Department,
Chepauk,
Chennai - 600 005.

2. The District Collector,
Madurai District @ Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari calling for the records in connection with impugned order passed by the first respondent in கடித எண்/ஆடு.3/31480/2015 dated 04.03.2019 and quash the same.

For Petitioner :Mr.N.SATHISH BABU,
Advocate

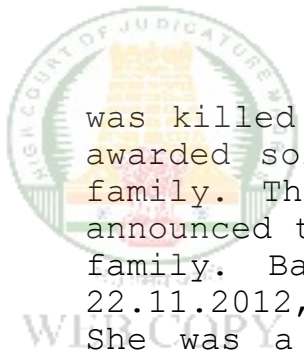
For Respondents :Mr.N.SATHEESH KUMAR
Additional Government Pleader

O R D E R

The order impugned dated 04.03.2019 cancelling the regularization made in favour of the writ petitioner is under challenge in the present Writ Petition.

2. The brother of the writ petitioner died on 30.10.2012 when returning back after attending Thevar Jayanthi Celebrations as he

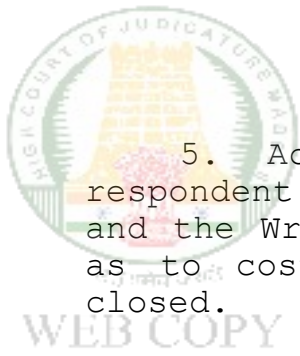
<https://hcservices.ecourts.gov.in/hcservices/>



was killed in Petrol Bomb Attack on his vehicle. The Government had awarded solatium of Rs.5,00,000/- (Rupees Five Lakhs Only) to the family. The Hon'ble Chief Minister of Tamil Nadu, on 01.11.2012, announced that the employment will be provided to one person in each family. Based on the said announcement, vide proceedings dated 22.11.2012, the petitioner was appointed on compassionate ground. She was a minor during the relevant point of time, but she was issued with the posting order only after attaining the age of majority. The petitioner was appointed on 24.09.2013 and on the date of appointment, the petitioner had completed the age of 18 years. She was appointed as Junior Revenue Assistant and joined duty on 27.09.2013. The services of the petitioner have been regularised by the second respondent in order dated 29.07.2016 from the date of joining of duty. She was further promoted to the post of Senior Revenue Inspector on 30.08.2018 and posted in the office of the District Supply Officer. Under these circumstances, the order impugned dated 04.03.2019 was passed cancelling the order of regularization made in favour of the writ petitioner. The order impugned was passed referring G.O.(Ms) No.155, Labour and Employment Department dated 10.12.2014.

3. The learned counsel appearing for the petitioner made a submission that even as per G.O.(Ms) No.155, as on the date of appointment, the petitioner had completed the age of 18 years and therefore, the date of announcement cannot be taken into account for the purpose of passing the impugned order.

4. The Government Order stipulates that on the date of appointment, the appointee must be 18 years of age. In the present case, admittedly, on the date of appointment, the petitioner had completed 18 years of age and further her services were regularised. The appointment was made as a special appointment, pursuant to the announcement made by the Hon'ble Chief Minister of Tamil Nadu on account of incident took place during Thevar Jayanthi Celebrations. The order impugned states that as on the date of the application submitted by the petitioner on 06.11.2012, the petitioner had completed 17 years 2 months and 22 days of age and not completed 18 years of age. However, the fact remains that the petitioner was appointed on 24.09.2013 and joined into service on 27.09.2013. The date of application referred in the impugned order, i.e., on 06.11.2012 may not be relevant, as it is not a compassionate appointment under the Compassionate Scheme. It is a special appointment made, pursuant to the announcement made by the Hon'ble Chief Minister of Tamil Nadu. Therefore, the case of the petitioner cannot be treated as a regular appointment under the scheme of compassionate appointment and considering the Petrol Bomb Attack, the announcement was made as a special case. The reason stated in the impugned order may not be relevant as on the date of appointment, the petitioner was fully qualified and she completed the age of 18 years.



5. Accordingly, the order impugned passed by the first respondent in Letter No.Aku/3/31480/2015 dated 04.03.2019 is quashed and the Writ Petition is allowed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-II)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

To

1. The Additional Chief Secretary /
Revenue Administrative Commissioner,
Revenue Department,
Chepauk, Chennai - 600 005.
2. The District Collector,
Madurai District @ Madurai.

+1 cc to Mr.Special Government Pleader, SR.No.4774

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