



W.A(MD).No.1547 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2022

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

W.A(MD).No.1547 of 2021

B.Deivamanikandan

..Appellant/Petitioner

Vs.

1.The Principal Secretary to Government,
Revenue Department,
Secretariat,
Chennai-600 009.

2.The District Collector,
Ramanathanapuram District,
Ramanathanapuram.

3.The Tahsildar,
Kamudi Taluk,
Ramanathanapuram District.

... Respondents/Respondents

PRAYER: Writ Appeal filed under Section 15 of Letters Patent, against
the order dated 21.01.2021 passed in W.P(MD).No.17155 of 2017.

For Appellant : Mr.S.Visvalingam
For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader



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JUDGMENT

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

This Writ Appeal is directed against the order of the learned Single Judge dismissing the writ petition filed by the appellant in W.P(MD).No. 17155 of 2017, dated 21.01.2021.

2.Heard Mr.S.Visvalingam, learned counsel appearing for the appellant and Mr.N.Satheeshkumar, learned Additional Government Pleader appearing for the respondents.

3. The appellant's father died on 08.12.2010, when he was working as Village Assistant. Though an application was filed by the appellant's mother on 21.12.2012 on behalf of the minor, that application was dismissed on the ground that the appellant was a minor at that time. Thereafter, the appellant, after attaining majority, filed an application on 12.05.2017. That application was also rejected. Challenging the rejection order, the appellant filed a writ petition, which was also dismissed by the learned Single Judge on the ground that the application filed by the appellant was beyond the period of limitation and that the respondents



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cannot be directed to consider the case of the appellant to appoint him on compassionate ground. Hence, the above writ appeal is filed.

4.It is well settled that the application for appointment on compassionate ground has to be considered only as per the scheme. In the present case, the appellant's application was highly belated and it is admitted, after 7 years from the date of death of the employee, the appellant filed an application. The reason, for submitting the application belatedly, is that the appellant was a minor at the time of death of his father and that he can file an application only he became major in the year 2017.

5.However, the situation was considered by the Full Bench of this Court earlier in W.P.(MD)No.7016 of 2011 etc., dated 11.03.2020. We have also followed the judgment of the Hon'ble Full Bench of 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, this Court has held as follows:-

9. The appellant is seeking compassionate appointment by stating that he had applied within



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three years after attaining majority. The appellant's 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



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*appellant and the appellant has not made out any case
and the writ appeal is liable to be dismissed.*

6. 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

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