



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.16813 of 2019

S.Induja

... Petitioner

vs.

1.The Principal Director
Highways, Construction & Maintenance
Guindy, Chennai-25

2.The Superintending Engineer
Highways, Construction & Maintenance
Thiruppur

3.The Assistant Divisional Engineer
Highways, Construction & Maintenance
Karur

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records relating to the impugned order of the second respondent dated 13.05.2019 in Ku.No.1245/2016/Aa2 and consequential impugned order of the third respondent dated 09.07.2019 in Na.Ka.No.686/2014/Aa2 and quash the same and consequently direct the respondents 2 and 3 to provide appointment to the petitioner in the respondent department on compassionate ground.

For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.A.K.Manikkam

Special Government Pleader

O R D E R

The order of rejection rejecting the application submitted by the petitioner seeking appointment on compassionate grounds vide proceedings dated 13.05.2019, passed by the second respondent, is under challenge in this writ petition.

2. The father of the writ petitioner was working as Salaipaniyalar in the respondent - Department and died on 30.12.2013 while he was in service. The petitioner states that due to the sudden demise of her father, the family was in penurious circumstances. The petitioner submitted application on 01.12.2015 to the respondent seeking appointment on compassionate grounds. However, on the date of submitting the application, the petitioner had not completed the age of 18 years for the purpose of considering the application for compassionate appointment. However, the petitioner attained the age of majority on 13.05.2016 and the said



date falls within the period of three years from the date of death of the deceased employee. Soon after attaining the age of majority, the petitioner should have submitted another application following the original application submitted on 01.12.2015 while she was a minor. Even assuming that the petitioner has not submitted another application on attaining the age of majority as she had attained the age of majority within a period of three years from the date of death of the deceased employee, naturally, every person would be under the impression that the initial application would be taken into consideration as the age of attaining majority falls within the period of three years.

3. In the present case, admittedly the petitioner is eligible to be considered as within a period of three years from the date of death of the deceased employee / father, she has attained the age of majority and mere non-submission of another application reiterating the initial application on attaining the age of majority could not be a ground to deny the benefit of appointment on compassionate grounds, if the petitioner's claim is otherwise in consonance with the terms and conditions.

4. In such view of the matter, this writ petition is allowed and the order dated 13.05.2019 passed by the second respondent is quashed and the matter is remanded back to the respondents for fresh consideration. The respondents are directed to consider the petitioner's case afresh taking into consideration the fact that the petitioner has attained the age of majority before the expiry period of three years from the date of death of the deceased employee and pass appropriate orders as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

krk

To:

1.The Principal Director,
Highways, Construction & Maintenance,
Guindy, Chennai-25.

2.The Superintending Engineer,
Highways, Construction & Maintenance,
Thiruppur.

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



3.The Assistant Divisional Engineer,
Highways, Construction & Maintenance,
Karur.

+1 CC to M/s.SPL GP (SR-4740[F] dated 08/02/2022)

+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-4672[F] dated 08/02/2022)

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SVS (CO)
KB(15.02.2022) 3P 6C