



W.P(MD)No.22026 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22026 of 2021

and

W.M.P.(MD)Nos.18629 and 18630 of 2021

P.Kavitha

... Petitioner

Vs.

1.The State of Tamilnadu,

Rep. by its Secretary,

Department of Municipal Administration and Water Supply,
Secretariat, Chennai – 600 009.

2.The Commissioner,

Commissioner of Municipal Administration and Water Supply,
Chepauk, Chennai – 5.

3.The Commissioner,

Dindigul Corporation,
Dindigul.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 20.11.2021 in Na.Ka.No.8259/2021/H2 on the file of the respondent No.3 and quash the same as illegal and consequently directing the respondents to appoint the petitioner



W.P(MD)No.22026 of 2021

as a sanitary worker or any other suitable post on the basis of her educational qualification by providing age relaxation on compassionate ground with the respondent No.3's corporation with all consequential benefits within the time stipulated as fixed by this Court.

For Petitioner : Mr.T.Thiumurugan

For Respondents : Mr.J.K.Jayaseelan,
Govt. Advocate for R1 & R2.
Mr.J.Lawrance for R3.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner's mother/Pappathiammal was working as Sanitary Worker in the third respondent corporation. She died on 30.04.2021 due to Covid-19. She was a frontline worker. The petitioner is her widowed daughter. The petitioner's husband had earlier passed away. The petitioner states that she was depending on her mother. The petitioner seeks appointment on compassionate grounds. The petitioner is now aged about 43 years. Therefore, the third respondent had informed the petitioner that she cannot be considered. The impugned order passed by the third respondent corporation cannot be faulted. G.O.(Ms) No.18, Labour and Employment Department, dated



W.P(MD)No.22026 of 2021

23.01.2020 clearly states that the maximum age limit for the son or daughter of the deceased Government servant is forty years at the time of applying.

Therefore, the third respondent could not have accommodated the writ petitioner's request. I, therefore, dispose of the writ petition by permitting the petitioner to submit a representation to the first respondent seeking age relaxation. The first respondent will bear in mind the following aspects:-

“(a) the petitioner belongs to Arunthathiyar Community.

(b) She is a widow and has to take care of her two minor children. and

(c) The petitioner's sibling as well as her mother died due to Covid-19 and her mother was a front-line worker.”

3.The first respondent shall pass appropriate order on merits on the petitioner's representation seeking age relaxation within a period of twelve weeks after it is received. If the first respondent grants age relaxation, the third respondent will grant her appointment on compassionate grounds. The petitioner's representation will not be rejected on the ground that the government order has fixed an upper age limit. It is well settled that even if an upper age limit has been prescribed in the relevant rules or government order, it



W.P(MD)No.22026 of 2021

is always open to the State Government to grant relaxation as a special case in appropriate circumstances.

4.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

03.11.2022

Index : Yes / No
Internet : Yes/ No
ias

To:

- 1.The Secretary,
Department of Municipal Administration and Water Supply,
Secretariat, Chennai – 600 009.
- 2.The Commissioner,
Commissioner of Municipal Administration and Water Supply,
Chepauk, Chennai – 5.



WEB COPY



W.P(MD)No.22026 of 2021



WEB COPY



W.P(MD)No.22026 of 2021

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.22026 of 2021

03.11.2022