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W.P.No.22590 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27..06..2023

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

Writ Petition No.22590 of 2015

M.Y.Abdul Khader Jailane Sherif

..... Petitioner

-Versus-

1.The Director General of Police,
Chennai 600004.

2.The Superintendent of Police,
Nagapattinam, Nagapattinam District.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned orders passed by the 2nd respondent in Na.Ka.No.F1/0043/2012 dated 01.02.2012 and also the order in Na.Ka.No.G2/1573/2015 dated 04.03.2015 and to quash the same and consequently direct the respondents to provide employment to the petitioner on compassionate grounds in any suitable post according to the qualification of the petitioner within a time limit to be stipulated by this court.

For Petitioner : *Mr.S.Vijayan*

For Respondents : *Mr.U.M.Ravichandran,*
Spl. Government Pleader
for RR1 & 2



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ORDER

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The petitioner's father – Muhamed Yusuf was employed as a Head Constable in the respondent police department. His mother died on 09.03.2007 and the father died on 12.03.2008 while he was in service. The petitioner was, at that time, aged about 16 years. He made an application to be considered for compassionate appointment on 02.01.2012. The said application was rejected on the ground that it was not made within the period of three years from the date of death of the government servant. Hence, he has come forward with the present writ petition.

2. Heard both sides.

3. The petitioner could not have made an application within three years from the date of death because at that time, he was hardly 16 years old. Therefore, he has filed the application for appointment on compassionate ground on attaining the age of majority. This court in **K.Pitchaimani v. The Secretary to Government [CDJ 2014 MHC 3019]** has taken a view that such an application is maintainable. I follow the said verdict and therefore the writ petition succeeds.

3. In the result, the writ petition is allowed. The impugned order is set aside and the matter is remitted to the 2nd respondent with a direction to



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consider the same afresh in accordance with law and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.

Mere fact that the writ petition has been allowed does not mean that the petitioner is entitled to appointment on compassionate ground. The petitioner must satisfy one of the primary requirements that his family is still under indigent circumstances and fulfil all other mandatory requirements that are necessary for obtaining the post. No costs.

27..06..2023

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
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To

- 1.The Director General of Police,
Chennai 600004.
- 2.The Superintendent of Police,
Nagapattinam, Nagapattinam District.



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V.LAKSHMINARAYANAN, J.

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