



W.A.No.1830 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2023

CORAM

THE HON'BLE Mr. JUSTICE R.SURESH KUMAR
AND
THE HON'BLE Mr. JUSTICE K.KUMARESH BABU

W.A.No.1830 of 2018

The Commissioner,
Mettur Municipality,
Salem District.

... Appellant

Vs.

1.M.Vijayakumar
2.The Director of Municipal Administration,
6th Floor, Ezhilagam,
Annex Building,
Chepauk, Chennai – 600 005.

... Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent Act, against
the order dated 04.09.2017 in W.P.No.245 of 2016 passed by this Court.

For Appellant	: Mr.L.P.Maurya
For R1	: Mr.B.Ravi
For R2	: Mr.K.K.Sajeev Kumar Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by R.SURESH KUMAR, J.)

This writ appeal has been directed against the order passed by the

Writ Court dated 04.09.2017 made in W.P.No.245 of 2016.



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WEB COPY 2. The 1st respondent herein sought for a compassionate appointment, which was considered and rejected by the appellant by order dated 25.09.2015, challenging the same, the said writ petition was filed.

3. Before the Writ Court it was the stand taken by the appellant that, insofar as the 1st respondent who seeks the compassionate appointment in a suitable post depending upon the educational qualification of the 1st respondent is concerned, that kind of post must be considered only for those who are in the age of 35 years and since the 1st respondent had completed the age of 37 years, therefore on that reason the claim made by the 1st respondent cannot be considered.

4. However, before the Writ Court on behalf of the 1st respondent who was the writ petitioner, a stand was taken that the 1st respondent was not very particular about a particular cadre or post whatever the post even lesser post like Sweeper and menial servant if it is given to him, he is ready to work in the said post as a compassionate appointee.



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5. This has been considered by the learned Judge and he has further stated that the scheme of compassionate appointment itself is in order to bail out the family who is in indigent circumstances and in this context, if at all any post which are earmarked without any higher age criteria, those kind of posts are concerned, the case of the 1st respondent/writ petitioner could be considered if he is otherwise eligible to hold the post.

6. The said direction given by the learned Judge in the order impugned dated 04.09.2017 has been questioned here by the appellant Municipality.

7. The learned counsel appearing for the appellant reiterating the aforesaid would submit that, insofar as the age criterion is concerned, it cannot be relaxed only for the 1st respondent, therefore that reason was projected before the Writ Court, which was not considered in proper perspective by the learned Judge, instead he has given a direction to reconsider the plea made by the 1st respondent to fit him in any other post where such an age criteria is not a hurdle.



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8. Heard the learned counsel appearing for the 1st respondent who would submit that, the stand taken by the 1st respondent/writ petitioner before the Writ Court still holds good and is ready and willing to take any such post like Sweeper, if he is given the said post as stated above as he is struggled to meet both ends after the demise of the employee i.e., the mother of the appellant, therefore he seeks indulgence of this Court.

9. We have heard the submissions made by the learned counsel for both sides and have gone through the order passed by the learned Judge.

10. As has been observed by the learned Judge in the order impugned, the 1st respondent i.e. the job seeker on compassionate ground is not very particular about a cadre of post, what he wants is atleast the lowest post if it is given to him, he will survive with his family and that is the main intention of the Scheme like Compassionate Appointment Scheme, where, the normal procedure for recruitment, selection and appointment would not be taken into account for the purpose of such appointment on compassionate ground. The main criteria to be considered for a compassionate appointment is only to bail out the family



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who is already in indigent circumstances or penurious situation due to the sudden demise of the head of the family or breadwinner of the family, therefore such a direction given by the learned Judge in the order impugned after quashing the rejection order passed by the appellant to consider the case of the 1st respondent for the purpose of appointment to any one of the post where there is no age limit of 35 years on compassionate ground is a just and equitable order, therefore we do not find any error in the said order, accordingly this writ appeal fails, hence it is dismissed. As a sequel, there shall be a direction to the appellant Municipality to take up the application submitted by the 1st respondent and consider him for appointment to any of the post like Sweeper or menial servant for which there is no age criteria fixed as directed by the Writ Court and such order of appointment shall be passed by the 1st respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs.

(R.S.K., J.) (K.B., J.)

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Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No



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R. SURESH KUMAR, J.
And
K.KUMARESH BABU, J.

Sgl

To

The Director of Municipal Administration,
6th Floor, Ezhilagam,
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