



WEB COPY



W.P.No.10158 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10158 of 2023

B.Suriyaprakash

...Petitioner

Vs

The Managing Director,
Tamil Nadu Housing Board,
CMDA Complex, E&C Market Road,
Koyambedu, Chennai-600 107.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 09.12.2022 passed by the respondent herein vide Letter No.PNT-3/13404/2019 and quash the same and direct the respondent to appoint the petitioner on the basis of compassionate ground forthwith based on the petitioner's qualifications within a period to be stipulated by this Court.

For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.D.Veerasekaran
Standing Counsel

ORDER

Heard Mr.R.Bharath Kumar, learned counsel for the petitioner and Mr.D.Veerasekaran, learned Standing Counsel for the respondent.



W.P.No.10158 of 2023

2. The petitioner is the son of one S.Baskar, who, while working as a Shroff in the respondent Board, died on 30.10.2015. The petitioner had made an application, seeking for compassionate appointment on 30.12.2015, when he was 17 years and 14 days of age. Thereafter, he made another application on 29.02.2016 after completion of 18 years. Through the impugned order dated 09.12.2022, the petitioner's first application dated 30.12.2015 was taken into account and rejected on the ground that he was only 17 years and 14 days. As per G.O.(Ms) No.18 Labour and Employment (Q1) Department dated 23.01.2020, an application, seeking for compassionate appointment by the legal heir of the Government Servant requires to be made within a period of three years from the date of the death of the Government Servant.

3. The petitioner, after completion of 18 years, has made an application on 29.02.2016, a copy of which has been produced before this Court, which also evidences the receipt of the representation by the respondent.

4. Apparently, the petitioner was a major when he made an application on 29.02.2016, since the impugned order itself refers to his age at the time when the first application was made on 30.12.2015. Thus, the reason assigned by the



W.P.No.10158 of 2023

respondent by considering the first application alone and failing to consider the

second application dated 29.02.2016 cannot be sustained.

5. In the light of the above findings and observations, the impugned order dated 09.12.2022 passed by the respondent is hereby quashed and consequently, the respondent is called upon to consider the petitioner's second application dated 29.02.2016, seeking for compassionate appointment and pass orders, granting appointment to the petitioner within a period of three months from the date of receipt of a copy of this order.

With the above direction, the writ petition is allowed. No costs.

28.06.2023

Index:Yes/No

Speaking order/Non-speaking order

sr



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W.P.No.10158 of 2023

M.S.RAMESH,J.,

SR

To

he Managing Director,
Tamil Nadu Housing Board,
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W.P.No.10158 of 2023

28.06.2023