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W.P.No.15422 of 2023

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 29.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.15422 of 2023

S.Nithya

...Petitioner

Vs

1. The Commissioner,
Revenue Administration
Chepauk, Chennai-600 005.

2. The District Collector,
Salem and District
Salem.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to appoint the post on compassionate ground according to the petitioner's educational qualification as per petitioner's representation dated 27.03.2023.

For Petitioner : Ms.M.Prabavathy

For Respondents : Mrs.V.Yamuna Devi
Spl.Government Pleader

ORDER



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Heard Ms.M.Prabavathy, learned counsel for the petitioner and Mrs.V.Yamuna Devi, learned Special Government Pleader for the respondents.

2. The petitioner's father is S.Sithalingam, who was serving as Revenue Inspector under the respondent Department died on 23.04.2012. The wife/mother of the petitioner had given a representation on 26.11.2012 to the second respondent herein seeking for appointment on compassionate ground in favour of the petitioner herein, who, at that point of time, studying X Standard. The representation was ultimately rejected on 17.10.2019 on the ground that the petitioner did not possess the minimum age of 18 years as on the date of the application. Being aggrieved against the rejection, the present writ petition has been filed.

3. Learned counsel for the petitioner submitted that the petitioner has now completed 18 years of age and since the application was made within a period of three years from the date of death of her father, the respondents ought not to have rejected the application.



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4. On the contrary, learned Special Government Pleader submitted that as per G.O.Ms.No.18, Labour and Employment (Q1) Department dated 23.01.2020, the minimum age requires for making an application on compassionate appointment is 18 years and therefore, there is no infirmity in the rejection.

5. I have given careful consideration in the submissions made on either side.

6. The only ground on which the petitioner's mother's application was rejected is that the petitioner did not possess the minimum age of 18 years as on the date of her application.

7. G.O.Ms.No.18, Labour and Employment (Q1) Department dated 23.01.2020 had prescribed certain guidelines for appointment on compassionate appointment. As per such guidelines, the minimum age for submitting an application, seeking for compassionate appointment, is 18



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years. Subsequently, the Government in G.O.Ms.No.33 Labour Welfare and Skill Development (Q1) Department dated 08.03.2023, has notified the Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules 2023. As per Rule 6(2) of G.O.Ms.No.33 Labour Welfare and Skill Development (Q1) Department dated 08.03.2023, the minimum age limit for the applicant on the date of application for appointment has been relaxed. In other words, there is no minimum age limit for making an application seeking for compassionate appointment in view of Tamil Nadu Civil Services Appointment on Compassionate Grounds Rules.

8. Thus, the reasons assigned in the application by quoting the minimum age limit of 18 years cannot be sustained in view of the introduction of new Rules. The petitioner, who was born on 29.04.1997, is now aged about 26 years. If that be so, there cannot be any impediment for the respondents to consider the petitioner's candidature for appointment.

9. Accordingly, there shall be a direction to the second respondent herein to pass appropriate orders forthwith, granting appointment to the



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petitioner to any suitable post, within a period of three months from the date of receipt of a copy of this order.

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

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Index:Yes/no
Speaking order/non-speaking order
sr

To

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Revenue Administration
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M.S.RAMESH,J.

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