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W.P.No.19494 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.19494 of 2023

Lakshmi

... Petitioner

Vs.

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The Revenue Divisional Officer,
Krishnagiri,
Krishnagiri District.

3.The Tahsildar,
Krishnagiri Taluk,
Krishnagiri.

... Respondents

PRAYER: Writ 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 proceedings passed in Na.Ka.No.23343/2020/A3 dated 17.4.2023 on the file of the 1st respondent herein, quash the same and consequently direct the respondents herein to consider the application of the petitioner for providing appointment under 'Compassionate Grounds' within a stipulated period.



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For Petitioner : Mr.K. Govi Ganesan

For Respondents : Mrs.V. Yamuna Devi,
Special Government Pleader

ORDER

Heard the learned counsel for the petitioner, as well as the learned Special Government Pleader appearing for the respondents.

2. The petitioner's husband, while serving as a Village Assistant in Krishnagiri Taluk and District, died on 11.02.2008. On 06.07.2009, she had made an application to the second respondent seeking for compassionate appointment, followed by several reminders, including her representations dated 06.07.2020 and 09.08.2021. Her request came to be rejected through the impugned order dated 17.04.2023 by taking into account the representations made by her on 06.07.2020 and 09.08.2021 alone and by quoting that it has been belatedly made after the expiry of three years period. Challenging the same, the present Writ Petition has been filed.



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3. The learned counsel for the petitioner had produced a copy of the representation given by the petitioner on 06.07.2009, accompanied by the acknowledgment given by the respondents, evidencing that the representation has been received by them and submitted that in view of the said representation, the rejection on the ground that application has been belatedly made after three years, cannot be sustained.

4. On the contrary, the learned Special Government Pleader appearing for the respondents, placed reliance on the averments made in the counter-affidavit and submitted that the petitioner's applications were received only on 06.07.2020 and 09.08.2021 and therefore, there is no infirmity in the rejection order.

5. When the Writ Petition came up for hearing on 15.11.2023, the acknowledgment card produced by the learned counsel for the petitioner for the representation dated 06.07.2009, was taken into consideration and the respondents were called upon to offer their remarks. However, today,



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when the matter was called, no explanation has been received by the learned Special Government Pleader with regard to the acknowledgment produced by the learned counsel for the petitioner.

6. In this background, this Court has no hesitation to hold that the petitioner herein has indeed made an application on 06.07.2009, by taking into account the acknowledgment card produced by the learned counsel for the petitioner for the said representation in receipt No.LP/09/04772 dated 06.07.2009, signed by the Personal Assistant to the District Collector.

7. If that be so, the reasoning adopted by the respondents that the application has been belatedly made, cannot be sustained. It is hereby clarified that what has been referred to in the impugned order, are the subsequent representations given by the petitioner after her original application dated 06.07.2009 was made.

8. In the light of the above findings, the impugned order passed by the first respondent in Na.Ka.No.23343/2020/A3 dated 17.4.2023, is



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quashed. Consequently, there shall be a direction to the first respondent herein, to pass appropriate orders, appointing the petitioner to any suitable post on compassionate grounds, within a period of three (3) months from the date of receipt of a copy of this order.

9. With the above directions, this Writ Petition stands allowed. No costs.

29.11.2023

Index: Yes/No
Speaking order/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No

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To

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The Revenue Divisional Officer,
Krishnagiri,
Krishnagiri District.
3. The Tahsildar,
Krishnagiri Taluk,
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M.S.RAMESH,J.

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