



W.P.No.28305 of 2014

THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.06.2023

CORAM:

THE HONOURABLE JUSTICE Mr.V.LAKSHMINARAYANAN

W.P.No.28305 of 2014

and

M.P.No.1 of 2014

M.Sakthivel

...Petitioner.

Vs.

1.The Directorate of Rural Development,
Panagal Maligai,
Saidapet,
Chennai – 600 018.

2.The District Collector,
Rural Development Division,
Tiruvarur District,
Tiruvarur.

3.The Commissioner,
Panchayat Union,
Kodavasal,
Tiruvarur.

...Respondents.

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue writ of certiorarified mandamus calling for the entire records of order in Na.Ka.No.7764/2013/K.6 order dated 03.07.2013 on the file of the 2nd



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respondent and quash the same as illegal and unconstitutional and consequently direct the respondents to appoint the petitioner on compassionate ground.

For Petitioner : Mr.Sathish Kumar
For Respondents :
For R1 &R2 : Mr.U.M.Ravichandran
Special Government Pleader
For R3 : Mr.P.Chinna Durai.

ORDER

This writ petition challenges the order of rejection for appointment on compassionate basis. The petitioner's father, who was a road worker, passed away on 25.06.1993. At that time, the age of the petitioner was only 13 years. On 12.12.2001, pursuant to an application filed by the petitioner, stating that the family is under distress circumstances, the petitioner was called upon to submit the original certificate and he also submitted so.

2. The respondent had kept quiet for nearly 10 years and it was rejected on the ground that he had applied for the job, 3 years after the petitioner's father passed away. It is pertinent that the petitioner could not have applied immediately after his father passed away because he was aged only 13 but



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has made the application within 3 years of attaining the age of majority. The said position is covered by the judgment of this court in W.P.(Md).No.5879 of 2012 dated 03.06.2014 where the following order was passed of which relevant portion is extracted below:-

“The above Judgments are squarely applicable to the present case. Admittedly in the present case, the application seeking appointment for the petitioner was submitted within 3 years after attaining majority. Nothing is brought before this Court to show that the family is not in indigent circumstances and this court is also of the view that when a person cannot be employed in government services before the completion of 18 years, he could not make an application seeking appointment during his period of minority. Therefore as stated above, the period of three years for a minor son/daughter can commence only after he/she attains majority.”

3.I respectfully adopt the said view of the learned Judge. Following the said judgment, the following directions are given:-

- (i) The application of the petitioner shall not be treated as time barred.
- (ii) The petitioner shall produce the certificate that they are still under the indigent circumstances necessitating consideration for compassionate appointment and if the petitioner fulfils all the other requirements, then he



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may be considered on a sympathetic basis.

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4. The said exercise shall be completed within a period of four months from the date of receipt of copy of this order. This writ petition stands allowed. No costs.

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nst

Index : Yes/No

Neutral Citation Case : Yes/No



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To:

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V.LAKSHMINARAYANAN,J
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