



WEB COPY



W.P.No.25026 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.25026 of 2022

A.Venkatachalam

... Petitioner

Vs.

The Commissioner,
Erode Municipal Corporation,
Erode, Erode District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the respondent in his proceedings Na.Ka.No.6393/2021/C2, dated 19.01.2022 and quash the same and consequently directing the respondent to appoint the petitioner on the compassionate ground as Sweeper or any other post in the respondent Corporation.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.M.Raja Mathivanan, Standing Counsel

ORDER

This Writ Petition has been filed to quash the impugned order passed by the respondent in Na.Ka.No.6393/2021/C2, dated 19.01.2022 and consequently direct the respondent to appoint the petitioner on the compassionate ground as Sweeper or any other post in the respondent Corporation.



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2.The case of the petitioner is that he has made an application for the post of Sweeper or any other post in the respondent Corporation on compassionate appointment on account of death of her mother Sarasu on 22.01.2021 during COVID-19 pandemic period. The application of the petitioner has been rejected on 19.01.2022 mainly on the ground that as per the G.O.(Ms).No.18, Labour and Employment (Q1) Department, dated 23.01.2020, the petitioner crossed the age of 42 years at the time of submitting the application, due to which, he cannot be accommodated and the maximum age limit is only 40 years as per the scheme of the Government. Challenging the impugned rejection order, dated 19.01.2022, the present Writ Petition has been filed.

3.It is the contention of the learned counsel for the petitioner that since the mother of the petitioner died during the COVID-19 pandemic period, there is no restriction for age limit for the post of Sweeper.

4.At this stage, this Court is of the view that when the compassionate appointment itself is a concession to alleviate the adversity of the Government servant family members who are totally depended the



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Government servant, as a matter of right one cannot seek job under the scheme of the compassionate appointment without any valid ground.

5.If the petitioner is absorbed into the permanent post, he must hold required qualification, particularly, age and other aspects. In the present case, at the time of submitting the application, the petitioner has crossed the age of 42 years. Therefore, the petitioner as a matter of right cannot seek appointment merely on the ground of her mother died during the COVID-19 pandemic. The policy of the Government itself clearly indicates that the person, who crossed the age of 40 years, cannot seek appointment on compassionate ground.

6.In view of the above discussions, I do not find any merits in this Writ Petition and the same is dismissed. No costs.

22.09.2023
(1/2)

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

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N.SATHISH KUMAR, J.

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To

The Commissioner,
Erode Municipal Corporation,
Erode, Erode District.

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