



W.P.(MD)No.1142 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.1142 of 2023

and

W.M.P(MD) No.1060 of 2023

K.Prema

: Petitioner

Vs.

- 1.The Secretary to Government
Municipal Administration and Water Supply Department,
Fort St.George,
Chennai-600 009.
- 2.The Director of Municipal Administration,
Raja Annamalaipuram,
No. 75, Santhome High Road,
M.R.C.Nagar,
Chennai-600 028.
- 3.The Regional Director
Municipal Administration,
Madurai Region,
Madurai.



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4. The Commissioner
Palani Municipality,
Palani,
Dindigul District.

: Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 4th respondent in Na.Ka.No.5079/2022/C1 dated 19.12.2022 and quash the same as illegal and unconstitutional and consequently directing the respondents to provide the petitioner an appointment on compassionate grounds due to death of her husband namely, K.Ramesh, by considering the petitioner's educational qualification and for other reliefs.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.S.P.Maharajan
Special Government Pleader



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ORDER

This writ petition has been filed to quash the impugned order passed by the 4th respondent in Na.Ka.No.5079/2022/C1 dated 19.12.2022 and consequently directing the respondents to provide the petitioner an appointment on compassionate grounds due to death of her husband namely, K.Ramesh, by considering the petitioner's educational qualification

2. The learned counsel appearing for the petitioner submitted that the petitioner's husband was appointed as a Junior Assistant in the respondent Department and by considering his seniority, he was promoted as Assistant and while he was in service in the fourth respondent Municipality, on 06.09.2022 he died due to his ill health, leaving behind the petitioner as sole legal heir and after the death of her husband, the petitioner had struggled for day to day life and thereby, petitioner submitted an application for compassionate appointment on 19.10.2022. However, the said application was rejected on the ground that the petitioner had



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completed 50 years of age and thereby the petitioner application was rejected. Challenging the same, the present writ petition is filed.

3. The learned counsel for the petitioner further submitted that though the Original Authority has no power to relax the age limit, however, the Government has the power to relax the age limit, as per the procedure for processing applications under clause 6. Hence, this Court may permit the petitioner to prefer an appeal before the Government within the time limit as fixed by this Court and thereafter, issue a further direction to the Government to pass appropriate orders.

4. The learned Special Government Pleader appearing for the respondents has no serious objection.

5. In view of the limited relief sought for by the learned counsel for the petitioner, without interfering with the order impugned in this writ petition, this Court permits the petitioner to prefer an appeal to get relaxation for getting compassionate appointment, in view of the clause 6 of



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the procedure for processing applications, within a period of two weeks from the date of receipt of a copy of this order. If such representation is submitted, the Government is directed to consider the same and pass appropriate orders within a period of eight weeks thereafter.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

23.01.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



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M.DHANDAPANI, J.

RM

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