



W.P.(MD).No.5654 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.5654 of 2022

and

W.M.P(MD)Nos.4542 & 4543 of 2022

S.M.Chendur Velan

... Petitioner

Vs.

1.The Superintendent of Police,
Madurai District,
Madurai.

2.The Commandant,
O/o. The Commandant,
TSP 6th Battalion,
Race Course Road,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent vide his proceedings in Na.Ka.No.A3/0381/2019, dated 29.01.2020 and quash the same as illegal and consequentially to direct the respondents to appoint the petitioner on compassionate ground to any of the post commensurate with the petitioner's qualification with the period stipulated by this Court.



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For Petitioner : Mr.S.Mohammed Suhail
for M/s.Ajmal Associates

For Respondents : Mr.N.Muthuvijayan
Special Government Pleader

ORDER

The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order passed by the second respondent vide proceedings, dated 29.01.2020 and consequently to direct the respondents to appoint the petitioner on compassionate ground to any of the post commensurate with the petitioner's qualification with the period stipulated by this Court.

2.The petitioner's mother Velumani was appointed as police on 31.01.1997 at the 6th Battalion, Madurai. While she was in service, she passed away on 05.04.1999 during her second childbirth and she was survived by the petitioner and his father. At the time of the death of his petitioner's mother, he was only two years old. After attaining the age of majority, the petitioner made a representation on 21.10.2019 to the respondents seeking an appointment on



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compassionate grounds. However, that was rejected by the second respondent on 29.01.2020 on the ground that the petitioner did not approach the authority within a period of three years from the date of death of his mother. Challenging the same, this Writ Petition came to be filed.

3.The learned counsel appearing for the petitioner submitted that only because he was a minor at the time of the death of his mother, he was not able to make an application seeking a compassionate appointment because his father remarried within one year from the date of death of his mother and even his father did not take any steps to make an application within time. Since he was a minor during the death of his mother, only on attaining the age of majority in the year 2014, he approached the respondents in person several times. Since the same has not been considered, he made a proper application on 21.10.2019 and ought not to have rejected and pressed for allowing the Writ Petition.



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4.The learned Special Government Pleader appearing for the respondents submitted that in terms of G.O(Ms)No.18, Labour and Employment (Q1) Department, dated 23.01.2020, an application seeking compassionate appointment should be made within three years from the date of the death of the employee and any application made beyond that limitation period should be out rightly rejected and relying on that G.O, this Writ Petition should be dismissed.

5.Heard Mr.S.Mohammed Suhail, learned counsel appearing for the petitioner and Mr.N.Muthuvijayan, learned Special Government Pleader appearing for the respondents and anxiously perused the materials available on record.

6.In view of the mandates of G.O(Ms)No.18, Labour and Employment (Q1) Department, dated 23.01.2020, as far as the age limit for those eligible under compassionate ground appointment is concerned, the minimum age should be 18 years at the time of submitting an application for compassionate ground appointment and an application seeking appointment on compassionate grounds should be made within a period of three years from the date of death of the employee. Hence, this Court is inclined to dismiss the Writ Petition.



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7.Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

14.07.2023

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

To

- 1.The Superintendent of Police,
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Madurai.
- 2.The Commandant,
O/o. The Commandant,
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L.VICTORIA GOWRI, J.

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