



W.P.(MD).No.13734 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.07.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.13734 of 2022

and

W.M.P(MD)No.9752 of 2022

M.Sundararajan

... Petitioner

Vs.

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The Block Development Officer,
Aranthangi,
Pudukottai District.

3.The President,
Melmangalam Panchayat,
Aranthangi Taluk,
Pudukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent vide proceedings in Na.Ka.No.10503/2020/P2 (எனக்கி) dated 28.12.2020 and quash the same as illegal and consequently direct the first respondent to consider the representation of the



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petitioner dated 14.12.2020 in the light of G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020 for appointment on compassionate ground to any entry level post within a period stipulated by this Court.

For Petitioner : Mr.K.Sivabalan

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 first respondent, dated 28.12.2020 and consequently to direct the first respondent to consider the representation of the petitioner dated 14.12.2020 in the light of G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020 for appointment on compassionate ground to any entry-level post within a period stipulated by this Court.

2.The petitioner's father was appointed as Clerk in Melmangalam Village Panchayat on 01.08.2006. Thereafter, he was promoted as Secretary in Melmangalm Village Panchayat. While he was in service, he died on 12.06.2016, leaving behind his mother, the



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petitioner, his sister and his grandmother as legal heirs. At the time of the death of his father, the petitioner was a minor. After attaining the age of 18 years, the petitioner submitted a representation, dated 14.12.2020 before the first respondent. However, the first respondent vide impugned order, dated 28.12.2020, rejected the request of the petitioner on the ground that the petitioner has not completed 18 years at the time of submitting the application. Challenging the said impugned order, the present Writ Petition came to be filed.

3.The learned counsel appearing for the petitioner submitted that the impugned order was passed by the first respondent without application of mind and the first respondent has not considered the petitioner's family's financial situation.

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.



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5.Heard Mr.K.Sivabalan 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 employment 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.

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

10.07.2023

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

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L.VICTORIA GOWRI, J.

ps

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