



W.P.(MD).No.15976 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.15976 of 2022

Dinesh Mani Rethinam

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by the Secretary to the Government,
Department of Labour and Employment,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 3.The Secretary,
N.N.554, Vattanam Primary Agricultural
Co-operative Society,
S.P.Pattinam,
Ramanathapuram District-623 406.
- 4.The Deputy Registrar of Co-operative Societies,
N.N.554, Vattanam Primary Agricultural
Co-operative Society,
S.P. Pattinam,
Ramanathapuram District-623 406.
- 5.The Regional Joint Registrar of Co-operative Societies,
Ramnad Region,
Ramanathapuram District-623 406.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to accept the petitioner application for compassionate posting, as the legal heir of his father, who died in harness, and appoint him in any of the departments of the Government, in a post for which he is eligible.

For Petitioner : Mr.Meenakarpagarajam

For Respondents : Mr.N.Muthuvijayan
Special Government Pleader

ORDER

The present writ petition has been filed seeking direction to the respondents to accept the petitioner's application for compassionate posting, as the legal heir of his father, who died in harness, and appoint him in any of the Departments of the Government, in a post for which he is eligible.

2. The petitioner was born in the year 11.04.2000. The petitioner's father was serving as a Clerk in Vatanam Primary Agricultural Co-operative Society, S.P.Pattanam, Ramanathapuram District. While the petitioner's father was serving as a Clerk, both the petitioner's father and mother met with an accident on 09.04.2008 and passed away. At the time of death of the petitioner's father,



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he was only seven years old and they were taken care by the parental grandfather, who was a daily wager. After completing his graduation, the petitioner made a representation to the District Collector, Ramanathapuram, seeking compassionate appointment on 04.10.2021. However, the said representation was rejected on the ground that the petitioner did not seek appointment on compassionate ground within a period of three years from the date of death of the petitioner's father. However, the petitioner without challenging the rejection order, dated 18.10.2021, has filed this writ of Mandamus, seeking direction to the respondents to accept the petitioner's application for compassionate appointment. Without challenging the order, dated 18.10.2021 made by the second respondent, the petitioner cannot seek an appointment on the basis of his application, dated 04.10.2021, which was made after a period of thirteen years from the date of death of his father.

3. Heard the learned Counsel for the petitioner and the learned Special Government Pleader for the respondents and carefully perused the materials available on record.



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4. In the light of G.O(Ms)No.18 of the Labour and Employment (Q1) Department, dated 23.01.2020, an applicant making an application for compassionate appointment should prefer an application within a period of three years from the date of death of the employee and in this case, such an exercise has not been done and hence, this writ petition stands dismissed. There shall be no order as to costs.

11.07.2023

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

To

1.The Secretary to the Government,
The Government of Tamil Nadu,
Department of Labour and Employment,
Secretariat, Fort St.George,
Chennai-600 009.

2.The District Collector,
Ramanathapuram District,
Ramanathapuram.

3.The Secretary,
N.N.554, Vattanam Primary Agricultural
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4. The Deputy Registrar of Co-operative Societies,
N.N.554, Vattanam Primary Agricultural
Co-operative Society,
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5. The Regional Joint Registrar of Co-operative Societies,
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L.VICTORIA GOWRI, J.

BTR

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