



W.P.(MD).No.17443 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.17443 of 2020

S.Ashok Kumar

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Personal Assistant to District Collector (Development),
Office of the Collector Office Campus,
Ramanathapuram District,
Ramanathapuram.

3.The Block Development Officer (Village Panchayat),
Office of the Block Development Officer,
R.S.Mangalam Panchayat Union,
Ramanathapuram District.

4.The President,
Ananthur Village Panchayat,
Ananthur Post,
R.S.Mangalam Panchayat Union,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation, dated 16.04.2018 and 25.11.2019



W.P.(MD).No.17443 of 2020

seeking for an appointment on compassionate ground to any of the post commensurate with the petitioner's qualification.

For Petitioner : Mr.Mohammed Suhail

For R-1 & R-2 : Mr.N.Muthuvijayan
Special Government Pleader

For R-3 : Mr.A.Karthik
For R-4 : No appearance

ORDER

The present writ petition has been filed seeking direction to the respondents to consider the petitioner's representations, dated 16.04.2018 and 25.11.2019 seeking for an appointment on compassionate ground to any of the post commensurate with the petitioner's qualification.

2. Heard the learned Counsel for the petitioner, the learned Special Government Pleader for the respondents 1 and 2 and the learned Counsel for the third respondent and carefully perused the materials available on record.

3. The petitioner's father Mr.Senthil Kumar was working as Panchayat Assistant in the office of the fourth respondent Panchayat. He was initially



W.P.(MD).No.17443 of 2020

appointed as Village Accountant on 14.11.1980, which was later re-designated as Panchayat Assistant on 01.01.1991. While in service, he died on 12.11.1997 un-expectedly. He was survived by his mother and the petitioner. The petitioner was a minor at the time of his father's death. On attaining the age of majority on 16.09.2018, the petitioner made an application seeking appointment on compassionate ground. However, the same was not considered and hence, this writ petitioner made another application on 25.11.2019. The non consideration of the said representation resulted in the filing of this writ petition.

4. The learned Counsel for the petitioner submitted that only because he was a minor at the time of death of his father, he was not able to make an application seeking compassionate appointment immediately within a period of three years time and promptly on attaining the age of majority, the petitioner made an application on 16.09.2018 and hence, he is entitled for appointment on compassionate ground and the writ petition may be allowed.

5. Per contra, the learned Special Government Pleader for the respondents 1 and 2 submitted that the petitioner's representation was considered and an order was passed on 02.12.2020 rejecting the petitioner's



W.P.(MD).No.17443 of 2020

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representation on the ground that the application was not made within three years from the date of death of the employee and that he was minor at that point of time.

6. In view of the order, dated 02.12.2020, which is brought to my attention by the learned Special Government Pleader, this Court is inclined to dismiss this writ petition with giving liberty to the petitioner to challenge the order passed by the first respondent on 02.12.2020.

7. With the above said observation, this writ petition stands disposed of.
There shall be no order as to costs.

19.07.2023

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

To

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W.P.(MD).No.17443 of 2020

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W.P.(MD).No.17443 of 2020

L.VICTORIA GOWRI, J.

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W.P.(MD).No.17443 of 2020

19.07.2023