



W.P.(MD).No.19510 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.19510 of 2022

R.Arivalagan

... Petitioner

Vs.

1.The Director General of Police,
Office of the Director General of Police,
No.1, Kamarajar Salai,
Mylapore,
Chennai – 600 004.

2.The Deputy Inspector General of Police,
Office of the Deputy Inspector General of Police,
Thanjavur Range,
Thanjavur.

3.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to consider the candidature of the petitioner for appointment in any suitable post on the basis of the qualification of the petitioner by considering his representation, dated 16.07.2021 within the time stipulated by this Court.



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For Petitioner : M/s.S.Prabha
For Respondents : Mr.N.Muthuvijayan
Special Government Pleader

ORDER

The present Writ Petition has been filed for issuance of a Writ of Mandamus, to direct the respondents to consider the candidature of the petitioner for appointment in any suitable post on the basis of the qualification of the petitioner by considering his representation, dated 16.07.2021 within the time stipulated by this Court.

2.The petitioner's father Ramesh was working as an Office Assistant in the second respondent's office. While he was in service, he died on 09.06.1996. The petitioner's father was survived by the petitioner and his brother. The petitioner's mother also passed away, pre-deceased his father, on 01.06.1996. The petitioner was a minor at the time of the death of his father and on attaining the age of majority on 03.08.2009, he made an application seeking compassionate grounds. However, the said application was rejected by the respondent



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on the ground that the application has been made beyond the period of three years from the date of death of the employee. Despite that rejection, the petitioner made another representation on 16.07.2021 requesting the mercy of the respondents to consider the penurious condition of the family and circumstances that he had been a minor at the time of the death of his father and the factum that his mother also passed away. However, the said representation was also not considered and the same is kept pending. Hence, this Writ Petition came to be filed.

3.The learned Special Government Pleader appearing for the respondents vehemently contended that in view of the rejection order passed by the respondents on 22.01.2010, considering the petitioner's earlier representation, there is no point for considering this application, dated 16.07.2021, which the petitioner has made recently.

4.Heard Ms.S.Prabha, learned counsel appearing for the petitioner and Mr.N.Muthuvijayan, learned Special Government Pleader appearing for the respondents.



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5.Since no positive order could be passed and 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, this Court is inclined to dismiss the Writ Petition.

6.Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

14.07.2023

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

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L.VICTORIA GOWRI, J.

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