



W.P(MD).No.27577 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.27577 of 2023

S.Immanual Rajasekar

... Petitioner

-VS-

1.The Principal Secretary to Government of Tamil Nadu
Department of Public Works Cum Water Resource,
Secretariat,
Chennai.

2.The Principal Chief Engineer,
Water Resource cum Chief Engineer,
Public Works Department,
Chepak,
Chennai.

3.The Executive Engineer,
Water Resource Department,
Nanganjiyar Basin Division,
Palani,
Dindigul.

4.The Additional Chief Secretary to Government,
Labour Welfare and Skill Development 2(1) Department,
Chennai.

.... Respondents

(R4 is suo motu impleaded vide Court order dated
21.11.2023 in W.P(MD)No.27577 of 2023)



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to consider the petitioner's candidature for the appointment on compassionate ground due to his father N.Sankaran was retired on the ground of medical ill-ness at once.

For Petitioner : Mr.P.Ganapathi Subramanian
For Respondents : Mr.S.Shaji Bino,
Special Government Pleader

ORDER

The present writ petition is being filed by the son of an employee, who was permitted to retire from service on medical invalidation, seeking compassionate appointment.

2.The petitioner's father was working as a Junior Engineer in Water Resource Department, Nanganjiyar Basin, Division-I, Palani. At that point of time, he met with an accident, on 16.07.2016 wherein he sustained grievous head injuries and became medically invalid. The petitioner's father was permitted to retire on the ground of medical invalidation on 24.10.2017. The actual date of superannuation of the petitioner's father is 01.10.2019.



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3.The petitioner has submitted an application on 15.05.2023 seeking compassionate appointment on the ground that his father was permitted to retire on the ground of medical invalidation. Since the said request was not considered, the present writ petition has been filed.

4.The learned Special Government Pleader appearing for the respondents brought to the notice of this Court that as per clause 3(b) of Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules 2023, whenever the Government servant is permitted to retire from service on medical invalidation, unless 5 years of service is left over, his dependent cannot be considered for the post of compassionate appointment. In the present case, the petitioner's father was permitted to retire on 24.10.2017 and his actual date of superannuation is 01.10.2019. Therefore, the petitioner's father was not having left over service of 5 or more than years. Hence, he is not eligible to be considered for compassionate appointment.

5.I carefully considered the submissions made on either side and perused the material records.



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6.As rightly pointed out by the learned Special Government Pleader, as per Clause 3(b) of Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules 2023, the petitioner's father having been permitted to retire on medical invalidation, when he has left over service is less than 5 years, the petitioner would not be eligible to be considered for compassionate appointment. However, the petitioner has submitted a representation to the respondents, on 21.11.2023 invoking the power of relaxation of the Government as contemplated under Clause 17 of the above said Rules. According to the learned counsel appearing for the petitioner, the entire terminal benefits have been utilized for the medical treatment of the medically invalidated father and therefore, the family is in indigent circumstances.

7.In view of the above said fact, the fourth respondent herein is directed to consider the representation of the petitioner, dated 21.11.2023 and to see whether 5 years left over service rule can be relaxed or not. Without expressing any opinion on the merits of the case, this Court directs the fourth respondent to consider the representation of the petitioner and pass appropriate orders on merits and in accordance with law, as



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expeditiously as possible.

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8. With the aforesaid observation, this writ petition is disposed of. No costs.

05.12.2023

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

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To

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Secretariat,
Chennai.

2. The Principal Chief Engineer,
Water Resource cum Chief Engineer,
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R.VIJAYAKUMAR,J.

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