



W.P.No.1119 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.1119 of 2024

S.Jawahar, Minor,
Represented by its Natural Guardian and Mother,
Mrs.S.Nalini

...Petitioner

-Vs-

1. The Government of Tamil Nadu,
Represented by its, Principal Secretary to Government,
Public Works Department,
Fort. St., George, Secretariat, Chennai-600 009.

2. The Chief Engineer,
Public Works Department,
Kamarajar Salai, Chepauk,
Chennai-600 005.

3. The Executive Engineer,
(Buildings, Construction & Maintenance)
Kanchipuram Division, Public Works Department,
Kanchipuram- 631 502.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records in the proceeding in Letter No.Ni1/464/2023 dated 21.06.2023 passed by the 3rd respondent and quash the same, consequently to direct the respondents 2 & 3 to appoint the petitioner on Compassionate Grounds in any one of the suitable post in the Public Works Department, Government of Tamil Nadu and as per the petitioner Application / Representation dated 25.05.2023 and as per the Proceeding in Letter No.S2(1)/015087/2023 dated 03.07.2023 passed by the 2nd respondent Principal Chief Engineer in General, Public Works Department, Chennai.

For petitioner : Mr.R.Anandha Babu

For respondents : Dr.T.Seenivasan,
Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the 3rd respondent dated 21.06.2023 thereby rejected the application submitted for appointment on compassionate ground for adopted son of the deceased P.Sivakumar represented by the wife of the deceased P.Sivakumar.



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2. One, P.Sivakumar while he was in service as Assistant Engineer, Buildings (Construction & Maintenance), Public Works Department, Kanchipuram Division, Kanchipuram, he died intestate on 22.07.2020 due to his ill health. Now, the case of the petitioner is that while he was very much alive, the petitioner was adopted by the deceased and his wife. However, the adoption was not registered till the demise of the said P.Sivakumar. Only after the demise of the P.Sivakumar, the adoption was registered on 11.09.2020 and applied for appointment on compassionate ground. Even according to the wife of the deceased, the petitioner was adopted long back when the deceased was very much alive. Even then, the said adoption was not registered in accordance with law. Therefore, only after demise of the said P.Sivakumar, the adoption was made and got registered on 11.09.2020 only for the purpose of applying and getting appointment on compassionate ground. That apart, even today, the petitioner has not attained age of his majority and he is only 17 years old.



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3. The learned counsel for the petitioner submitted

G.O.Ms.No.2899 Labour and Employment Department dated 23.12.1988.

Thus, it is clear that though the petitioner is legally adopted son of the deceased P.Sivakumar and his wife, but at the time of death of P.Sivakumar, the petitioner was not adopted by the deceased. Therefore, legally adopted son of the deceased Government Servant is eligible for compassionate appointment only if the adoption is registered by the deceased government servant during the lifetime of the Government Servant.

4. Therefore, this court cannot find any infirmity or illegality in the order passed by the 3rd respondent in proceeding Letter No.Ni1/464/2023 dated 21.06.2023. Hence, this writ petition is liable to be dismissed. Accordingly, this writ petition is dismissed. No costs.

19.01.2024

Index : Yes/No

Internet: Yes/No

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