



WEB COPY



W.P.No.4711 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

**W.P.No.4711 of 2024**

**and**

**W.M.P.No.5149 of 2024**

E.Prasanth

...Petitioner

-Vs-

1. The Secretary to Government,  
Social Welfare and Nutritious Meal  
Programme Department,  
Government of Tamil Nadu,  
St.George Fort,  
Chennai – 600 080.
2. The Commissioner of Social Welfare,  
Commissionerate of Social Welfare  
and Women Empowerment,  
No.1, Jeenis Road, 2<sup>nd</sup> Floor,  
Panagal Maligai,  
Saidapet, Chennai – 600015.
3. The Personal Assistant to the Collector,  
Noon Meal Section,  
1<sup>st</sup> Floor, Collector Office Building,  
District Collectorate,  
Kancheepuram – 631501.



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4. The Commissioner,  
St.Thomas Mount Panchayat Union Office,  
Sittlapakkam, Chennai -600 064.

5. The District Collector,  
GST Road,  
Chengalpattu – 603 001.

...Respondents

**Prayer :** Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for records of the proceedings (Na.Ka.No.11/2021/Sa.U.Dhi/A1) dated 14.07.2023 passed by the 5<sup>th</sup> respondent quash the same and consequently direct the respondents to appoint the petitioner on compassionate grounds in the place of his mother (late) E.Karpagam, who died in harness on 15.12.2011.

|                |                                           |
|----------------|-------------------------------------------|
| For Petitioner | : Mr.AGD Balakumar                        |
| For R1 to R3   | : Mrs.R.L.Karthika<br>Government Advocate |
| For R4         | : Mr.S.Arumugam<br>Government Advocate    |

### **ORDER**

This writ petition has been filed calling for records of the proceedings (Na.Ka.No.11/2021/Sa.U.Dhi/A1) dated 14.07.2023 passed by the 5<sup>th</sup> respondent quash the same and consequently direct the respondents to appoint the petitioner on compassionate grounds in the place of his mother (late) E.Karpagam, who died in harness on 15.12.2011.



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2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner's mother had worked as a Noon Meal Organizer in C.S.I.Primary School at Butt Road, St.Thomas Mount Panchayat Union, Chengalpattu District. She died in harness on 15.12.2011. At the time of her demise, the petitioner was aged about 11 years. After her demise, the petitioner's father submitted an application seeking employment on compassionate ground, on 02.07.2012. Due to his age, his claim was not considered for appointment on compassionate ground. Thereafter, the petitioner joined B.com course and submitted an application before the fourth respondent seeking job in the Noon Meal Department on compassionate ground. As per the communication of the fourth respondent, it reveals that “A person who is eligible on compassionate grounds must have applied within three years of the death of the Government Servant”. Therefore, once again the petitioner submitted an application before the fifth respondent and also submitted another application before the Chief Minister's Special Cell seeking employment on compassionate ground. It was forwarded and now, it has been rejected by the fifth respondent.



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4. After a period of 13 years from the date of death of the petitioner's mother, the application submitted by the petitioner cannot be considered for appointment on compassionate ground. Therefore, this writ petition is devoid of merits and is liable to be dismissed.

5. Accordingly, this writ petition is dismissed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

27.02.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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**G.K.ILANTHIRAIYAN. J.**

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