



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.3974 of 2021

K.Pradeep

...

Petitioner

versus

1.Government of Tamil Nadu,
Represented by its Secretary,
Home Department,
St. George Fort, Chennai.

2.The Director General of Police,
State of Tamilnadu,
Radhakrishnan Road,
Mylapore, Chennai.

3.The Commissioner of Police,
Greater Chennai City,
Office of the Commissioner of Police,
Vepery, Chennai.

4.The Joint Commissioner of Police,
Greater Chennai City,
North Zone, Chennai - 600 023.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider the petition for compassionate appointment for the death of the petitioner's father Late D.Kumar as Grade I Constable on 22.05.2008 while on duty.



WEB COPY

W.P.No.3974 of 2017



For Petitioner : Mr.M.L.Ramesh
For Respondents : Mr.T.Chezhiyan
Additional Government Pleader

ORDER

The petitioner has filed this petition seeking a writ of mandamus, directing the respondents to consider his representation for compassionate appointment.

2. Heard Mr.M.L.Ramesh, learned counsel for the petitioner and Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents and perused the materials available on record.

3. The petitioner is the son of late D.Kumar, who was working as Police Constable Grade-I. The petitioner's father died in harness on 22.05.2008. At the time of death, he left behind the petitioner, sister and mother alone as his legal heirs. The petitioner's mother wrote a letter to the 4th respondent on 09.07.2008 for seeking compassionate appointment for her son. After the petitioner became major in the year 2011, he made a representation to the 3rd respondent on 12.06.2013. The representation of the



petitioner has been forwarded to the 4th respondent, but it has not been considered so far. Hence, the petitioner has filed this Writ Petition.

4. Mr.M.L.Ramesh, learned counsel for the petitioner submitted that the petitioner's mother remitted the excess payment received from the Department and at that point of time itself, the application for compassionate appointment has also been filed. However, no acknowledgement is seen to have been issued by the respondents. The petitioner's application has been processed and a communication has been sent to the petitioner that his application is being forwarded to the Additional Commissioner North Zone.

5. The only objection raised by Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents is that the petitioner's application for compassionate appointment has not been submitted within a mandatory period of 3 years. However, Mr.M.L.Ramesh, learned counsel for the petitioner asserts that the application has been submitted within 3 years but it was not taken up for consideration.



WEB COPY

6. At the time of death of the petitioner's father, the petitioner was a minor and hence the petitioner's mother had filed an application after he became major. The respondents neither considered the petitioner's application nor his mother's application, which was given within 3 years time. So, without considering the same, the respondents cannot reject the application on the ground of time limit. The respondents have to consider the representation of the petitioner.

7. Hence, the respondents are directed to consider the representation of the petitioner dated 21.08.2015 and pass appropriate orders on its own merits and in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order and this Writ Petition is **disposed** accordingly. No costs.

22.03.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



To

WEB COPY

1. The Secretary,
Government of Tamil Nadu,
Home Department,
St. George Fort, Chennai.
2. The Director General of Police,
State of Tamilnadu,
Radhakrishnan Road,
Mylapore, Chennai.
3. The Commissioner of Police,
Greater Chennai City,
Office of the Commissioner of Police,
Vepery, Chennai.
4. The Joint Commissioner of Police,
Greater Chennai City,
North Zone, Chennai - 600 023.



WEB COPY

W.P.No.3974 of 2021



R.N.MANJULA, J.

sri

W.P.No.3974 of 2021

22.03.2024