



WEB COPY

W.P.No.6288 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.6288 of 2022

R.Rajesh

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep by its Secretary to Government,
Environment and Forest Department,
Fort.St.George,
Chennai - 9.
- 2.The Principal Chief Conservator of Forest &
Head of the Department,
Panagal Building,
Saidapet,
Chennai - 15.
- 3.The District Forest Officer,
Cuddalore Forest Division,
Cuddalore.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in Se.Mu.O.No.2474/2018/pa dated 22.09.2020 of the third respondent and quash the same with consequential direction to the respondents to reconsider the petitioner's claim for compassionate appointment within the time frame.



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For Petitioner : Ms.K.Jenitha

For Respondents : Mr.S.Rajesh, GA

ORDER

This Writ Petition has been filed for quashment of the order of the third respondent passed in Se.Mu.O.No.2474/2018/pa dated 22.09.2020 and a consequential direction to the respondents to reconsider the petitioner's claim for compassionate appointment within the time frame as fixed by this Court.

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

3. The father of the petitioner was working as Plot Watcher at Thiruthani Social Forestry Division. The petitioner's father died on 21.06.2012 while in service, leaving behind the petitioner, his mother and his sister as his legal heirs. The petitioner made an application seeking compassionate appointment on 29.05.2014, within three years from the date of the death of his father. Since no action has been forthcoming from the authority concerned, the petitioner has filed a Writ Petition in W.P.No.20805 of 2019, seeking a direction to the respondents to consider the representation of the petitioner. The said Writ Petition was disposed on 04.09.2019, directing



the respondents to consider the representation of the petitioner on merits and in accordance with law. Thereafter, the petitioner made another representation on 07.11.2019 along with the copy of the order passed in the above Writ Petition. However, the claim of the petitioner was rejected by the third respondent *vide* proceedings dated 22.09.2020, stating that the representation has not been made within three years. Aggrieved over the same, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that the father of the petitioner died in harness on 21.06.2012 and the petitioner has made a representation as early as in the year 2014 itself, which is within the period of three years from the date of death of the petitioner's father. The mother of the petitioner has also sent a representation on 09.06.2014 seeking compassionate appointment for the petitioner. However, the third respondent failed to consider the indigent circumstances of the petitioner due to the death of his father, who is the sole breadwinner of the family, had passed the order rejecting the claim of the petitioner in an illegal and arbitrary manner.

5. The learned Government Advocate appearing for the respondents submitted that as alleged by the petitioner, the respondents did not receive any



application seeking compassionate appointment from the side of the petitioner before 12.12.2018. The petitioner's representation dated 29.05.2014 was for seeking only retirement benefits which was promptly complied by the respondents. Thereafter, the petitioner has sent an application for compassionate appointment after a lapse of more than 6 years. Hence, the petitioner is not entitled for claiming compassionate appointment.

6. On perusal of the records, it is seen that the petitioner's mother sought for compassionate appointment for the petitioner *vide* letter dated 09.06.2014. Therefore, the plea taken by the respondents that the representation of the petitioner is beyond the three years period is not acceptable. Whatever may be the reason, merely rejecting the claim of the petitioner on the ground of limitation is not justified in the eye of law, as it is not in conformity with the principles of equity and natural justice. Hence, I feel it is appropriate to direct the respondents to consider the representation of the petitioner and pass orders.

7. Accordingly, this Writ Petition is disposed of and the respondents are directed to consider the representation of the petitioner dated 09.06.2014 and pass appropriate orders on merits and in accordance with law, within a period



of two months from the date of receipt of a copy of this order. No costs.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

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Chennai - 9.

2.The Principal Chief Conservator of Forest &
Head of the Department,
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VIVEK KUMAR SINGH, J.

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