



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.26193 of 2015

and

M.P.No.1 of 2015

V.Sumathi

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by Secretary to Government,
Revenue Department, Fort St.George,
Chennai – 600 009.

2. The Collector, Tiruvarur,
Tiruvarur District.

3. The Tahsildar, Kodavasal,
Tiruvarur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the second respondent in Na.Ka.No.16342/2008/A3 dated 03.04.2012 and the order of the third respondent in Na.Ka.No.4544 of 2014/A4 dated 05.08.2014 and quash the said orders and direct the respondents to appoint the petitioner on compassionate ground.



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For Petitioner : Mr.P.Rajendran

For Respondents : Mr.P.Ganesan,
Additional Government Pleader

ORDER

The husband of the petitioner herein died, while working as 'Village Assistant' at Paruthiyur Village, Kodavasal Taluk, Tiruvarur District on 10.07.2001. In view of the same, the petitioner made a claim for compassionate appointment. The said claim made by the petitioner was considered by the Respondent No.2 and the same was rejected by passing an order dated 03.04.2012, on the ground that the application filed by the petitioner seeking compassionate appointment was beyond the period of three years and therefore, the same cannot be considered.

2. However, the petitioner further made a claim stating that she had submitted an application in the month of September, 2003 itself i.e., within a period of three years. The said claim of the petitioner was also re-considered and an order was passed through proceedings bearing Na.Ka.No.4544/2014/A4, dated 05.08.2014, stating that the claim of the



petitioner was already rejected. Aggrieved by the said orders dated 03.04.2012 and 05.08.2014, the petitioner filed the present writ petition, contending that the petitioner has already submitted an application in the month of September, 2003 itself seeking compassionate appointment.

3. The said claim of the petitioner is denied by the respondents by filing the counter-affidavit.

4. Though, it is averred in the affidavit filed in support of this writ petition that the petitioner has submitted an application in the month of September, 2003, there is no material placed before this court to show that the said application was infact, submitted in the month of September, 2003.

5. In view of the denial of the said averment by the Respondent No.2, by way of filing counter-affidavit and in the absence of any proof of submitting such an application, this court is not in a position to appreciate the said contention. The reason assigned by the Respondent No.2 in the impugned order, stating that the application submitted by the petitioner is beyond a period of three years, and hence, cannot be found fault. In the



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circumstances, this court does not find any error or illegality in the order passed by the Respondent No.2.

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6. Accordingly, the writ petition is dismissed. No costs. Connected miscellaneous petitions, if any, shall stand closed.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1. The Secretary to Government of Tamil Nadu,
Revenue Department, Fort St.George,
Chennai – 600 009.
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Tiruvarur District.
3. The Tahsildar, Kodavasal,
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