



W.P.No.10843 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM:

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

W.P.No.10843 of 2022

Kannammal Perumal

... Petitioner

-Vs-

The District Collector,
Namakkal – Trichy Road,
Namakkal – 637 001.

... Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent pertaining to his proceeding in Mu.Mu.No.5398/2022/A3, dated 28.02.2022 and quash the same and consequently direct the respondent to appoint the petitioner's son namely Karthikeyan on compassionate grounds.

For Petitioner : Mr.K.S.Karthik Raja

For Respondent : Dr.T.Seenivasan
Special Government Pleader



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ORDER

This Writ Petition has been filed challenging the order passed by the respondent, thereby rejected the request made for compassionate appointment.

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

3. The petitioner was working as Assistant in the District Revenue Office at Namakkal and she was affected by Poliomyelitis. Due to her health issues, she was unable to continue her work and she had given voluntary retirement under medical ground, namely “Medical Invalidation”, on 31.10.2013. Since she was retired from service of Medical Invalidation, she submitted an application for appointment on compassionate ground for her son, on 01.09.2014. The respondent, by an order dated 29.11.2014, rejected the application, on the ground that as per G.O.Ms.No.10 of Labour and Employment Department dated 13.02.2009, the petitioner is not entitled to claim compassionate



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appointment, since as per the Government Order, she should not have completed 53 years to apply for compassionate appointment. It was challenged before this Court in W.P.No.2105 of 2015 and this Court by an order dated 11.10.2018 dismissed the writ petition. Once again, the petitioner submitted a representation seeking compassionate appointment for her son. Now, the respondent rejected the application submitted for appointment on compassionate ground.

4. A perusal of the counter filed by the respondent revealed that the petitioner's date of birth is 12.05.1960. She submitted an application on 18.07.2013 for voluntary retirement on medical ground. The District Medical Board, Namakkal by the proceedings dated 13.09.2013 had reported that her application for voluntary retirement may be considered under medical grounds. Accordingly, the petitioner was permitted to retire on 31.10.2013, on the ground of Medical Invalidation. On the date of her retirement, her age was 53 years, 5 months and 20 days. As per the G.O.Ms.No.10 of Labour and Employment Department dated 13.02.2009, the compassionate ground appointment shall be given for the



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legal heir of a person, who had retired on medical invalidation before attaining the age of 53 years. Therefore, her application was rightly rejected. In fact, on an earlier occasion also the petitioner's application was rightly rejected and the same was upheld by this Court in W.P.No.2105 of 2015. Therefore, the petitioner cannot be permitted to submit an application for appointment on compassionate ground repeatedly.

5. In view of the above, this Court finds no infirmity or illegality in the order passed by the respondent and this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

05.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To

The District Collector,
Namakkal – Trichy Road,
Namakkal – 637 001.



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G.K.ILANTHIRAIYAN. J.

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