



WEB COPY



WA No.1686 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

WA No.1686 of 2022

1.The Secretary,
Government of Tamil Nadu
Labour and Employment,
Fort St. George, Chennai-600 009.

2.The Secretary,
Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai-600009.

3.The District Educational Officer,
Nagapattinam.

4.The District Elementary Educational Officer,
Nagapattinam.

... Appellants

versus

N.Kalaiyarasan

... Respondent



WA No.1686 of 2022

PRAYER: Writ Appeal filed against the order of the learned Single Judge in WP No.44424 of 2016 dated 11.08.2021.

For the Appellants :Mr.J.C.Durairaj
Additional Government Pleader

For the Respondent :Mrs.T.Aananthi

JUDGMENT

(Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*)

This Writ Appeal is filed against the order of the learned Single Judge in WP No.44424 of 2016 dated 11.08.2021.

2. Brief facts of the case:

The father of the respondent herein died in harness on 19.02.2004. After the death of his father, he made a representation seeking employment on compassionate grounds. The said representation was rejected on the ground that his family was not in an indigent circumstance. Challenging the same, he filed writ petition. The writ court, by order dated 11.08.2021 had allowed the writ petition holding that though the respondent's sister was



WA No.1686 of 2022

employed, she never supported the family and later eloped and got married to one Kalaimani and therefore the respondent was entitled for employment under compassionate grounds. Challenging the said order, the appellant Department has preferred the present intra-court appeal.

3. Learned Additional Government Pleader appearing for the appellant informed the Court that, pending the writ appeal, in compliance with the order of the writ court, the respondent herein has been appointed as Junior Assistant in the Department on temporary basis.

4. Learned counsel for the respondent reiterated the submissions made before the writ court.

5. Heard the parties and perused the materials available on record.

6. The appellant Department has raised two grounds in the appeal.

i) The first ground is, at the time of submitting the application, the respondent was minor.



WA No.1686 of 2022

ii) The second ground is, the family of the deceased cannot be considered under indigent circumstances.

7. Insofar the first ground that the respondent was minor at the time of submitting the application, in the grounds of appeal itself, it is stated that the respondent is eligible for consideration as per Government Order in G.O.Ms.No.18, Labour and Employment Department dated 23.01.2020. However, it is to be noted that the application for compassionate appointment came to be filed within the prescribed period of three years from the date of death of the deceased and at the time of submitting the application, the respondent was a minor and he has not attained majority within the said period of three years. Therefore, the claim of the respondent cannot be considered. Insofar as second ground that the family of deceased cannot be said to be under indigent circumstances, it is seen that a report has been filed by the respondent herein, which clearly shows that the family of the respondent was under indigent circumstances.

8. The aforesaid two grounds have been well considered by the



WA No.1686 of 2022

learned Single Judge and therefore, we are not inclined to interfere with the order of the writ court. If the appointment already given to the respondent is on temporary basis, then the authority concerned shall consider the same, subject to the respondent fulfilling all other service conditions, and issue appropriate orders.

9. With the above observations, the writ petition stands disposed of. There shall be no order as to costs. Consequently, CMP No.11620 of 2022 is closed.

[D.K.K., J.] [K.B., J.]
03.07.2024

Index : Yes/No
Neutral Citation : Yes/No
mrn



WEB COPY



WA No.1686 of 2022

D.KRISHNAKUMAR, J.
and
K.KUMARESH BABU, J.

(mrn)

WA No.1686 of 2022

03.07.2024