



W.P.No.19968 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.19968 of 2024

Manju Bashin. J

... Petitioner

Vs

1. The Secretary to Government,
Revenue and Disaster Management Department,
Government of Tamil Nadu,
Fort. St.George, Chennai – 600 009.

2. The Commissioner of Revenue Administration,
Commissionerate of Revenue Administration,
Ezhilagam, Chepauk, Chennai – 600 005.

3. The District Collector,
Thiruvallur District,
Thiruvallur – 620 001.

4. The Tahsildar,
Thiruvallur Taluk and District,
Thiruvallur.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the third respondent in Na. Ka. No. Aa1/15775/2021 dated 21.12.2023 and quash the same and consequently



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direct the respondents herein to provide suitable employment to the petitioner on compassionate grounds in commensurate with the petitioner's educational qualification within a specific time that may be fixed by this Court.

For Petitioner : Mr. Ravichandran Sundaresan

For Respondents : Mr. S.Arumugam,
Government Advocate

O R D E R

The Writ Petition has been filed challenging the order dated 21.12.2023 passed by the third respondent, thereby the request made by the petitioner seeking appointment on compassionate grounds was rejected.

2. Heard the learned counsel for both sides and perused the materials available on record.

3. While the petitioner's father was working as Village Administrative Officer at Allikuzhi Village, Tiruvallur District, he was found missing from 06.10.1992. Despite efforts taken by the family



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members, the petitioner's father could not be traced. After a period of 11 years, the petitioner's mother lodged a complaint before the Inspector of Police, B1-Thiruvallur Town Police Station, and it was registered in Crime No. 667 of 2003. However, the said F.I.R. in Crime No. 667 of 2003 was dropped as an "undetectable case". Thereafter, the petitioner and other legal heirs filed a suit in O.S. No. 43 of 2013 for declaration before the District Munsif cum Judicial Magistrate Court, Uthukottai, declaring his father as civilly dead, and it was decreed by the judgment and decree dated 28.08.2014, thereby declaring his father as deceased.

4. After the decree, the petitioner submitted a representation before the third respondent seeking employment on compassionate grounds, and the same was rejected by order dated 21.03.2023 on the ground that if the petitioner's father was alive, he would have retired from service as of 31.10.2011. However, as per the decree, the petitioner's father was declared dead only on 28.08.2013. Therefore, the death of the petitioner's father has to be taken as 28.08.2013, i.e., after his retirement. Hence, the request made by the petitioner was rejected.



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5. That apart, even assuming that the date of demise of her father is to be taken as the date on which he went missing, i.e., on 06.10.1992, they have survived for these long years without the support of the petitioner's father without facing any financial crisis. Further, the petitioner's father went missing on 06.10.1992, whereas the complaint was lodged only in the year 2003. After a period of 10 years, the said suit was filed for declaration. Therefore, after such a long period, the petitioner cannot be appointed on compassionate grounds.

6. In view of the above, this Court finds no infirmity or illegality in the order passed by the third respondent. Accordingly, this Writ Petition is dismissed. No costs.

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Index: Yes/No
Neutral Citation: Yes/No
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