



WEB COPY

W.P.No.25279 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2024

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THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.25279 of 2021
and W.M.P.No.26665 of 2021

T.Ramesh

... Petitioner

Vs.

1.The State of Tamilnadu rep
by its Secretary to Government,
Labour Welfare and Skill
Development Department,
Secretariat, Chennai 9.

2.The Principal Chief Conservator of Forests,
Head Officer,
Panagal Building,
Saidapet, Chennai 600 015.

3.The Forest Ranger,
Department of Forests,
Tirunelveli Division,
Tirunelveli District.

... 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 relating to the impugned order made in Na.Ka.No.2/8530/2021 dated 18.06.2021 passed



by the second respondent, quash the same and consequently direct the respondents to appoint the petitioner on compassionate ground in view of the death of his father Late.S.Thangappan in harness on 05.07.2020 by considering his application dated 25.11.2020.

For Petitioner : Mr.M.Ramesh

For Respondents : Mr.S.Rajesh, GA

ORDER

This Writ Petition has been filed for quashment of the impugned order made in Na.Ka.No.2/8530/2021 dated 18.06.2021 passed by the second respondent and consequently, to direct the respondents to appoint the petitioner on compassionate ground on the demise of his father Late.S.Thangappan, who died in harness on 05.07.2020 by considering his application dated 25.11.2020.

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

3. The petitioner's father late S.Thangappan was working as a Forest Guard/watchman in the Forest Department. His father died in harness on



05.07.2020, leaving behind the petitioner, his wife and two other sons namely, T.Vijayan and T.Mahesh as his legal heirs. In view of the sudden demise of his father, the family members of the petitioner faced financial constraints. At the time of his death, since the petitioner was aged 41 years, he submitted an application dated 25.11.2020 for compassionate appointment to the third respondent along with all necessary documents. While so, the application of the petitioner was forwarded to the second respondent in Na.Ka.No.Pa2/461/2021 dated 19.02.2021. Thereafter, the said application was rejected by the second respondent by impugned proceedings in Na.Ka.No.2/8530/2021 dated 18.06.2021. Aggrieved by the same, the petitioner has filed the present petition.

4. The learned Government Advocate appearing for the respondents submitted that as per the Government Order in G.O.(Ms).No.18, Labour and Employment (Q1) Department, dated 23.01.2020, the age limit for the son or daughter of the deceased Government Servant under compassionate ground appointment is 40 years, at the time of applying. Hence, this petition is not maintainable and the same may be dismissed.



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5. In the case on hand, the petitioner has made his representation for compassionate appointment at the age of 41 years, which is not applicable as per the Government Order in G.O.(Ms).No.18, Labour and Employment (Q1) Department, dated 23.01.2020, wherein the age limit for compassionate appointment is 40 years.

6. In the light of the Government Order in G.O.(Ms).No.18, Labour and Employment (Q1) Department, dated 23.01.2020, this Court finds no merits in this Writ petition and accordingly, the same is hereby dismissed. No costs. Consequently, connected miscellaneous petition is closed.

21.08.2024

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1.The Secretary to Government,
Labour Welfare and Skill
Development Department,
Secretariat, Chennai 9.



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VIVEK KUMAR SINGH, J.

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