



W.P.(MD)No.2238 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.2238 of 2024

and

W.M.P.(MD).No.2245 of 2024

D.Kanista

... Petitioner

Vs.

The Superintending Engineer,
Purchase and Administration Department,
Thermal Power Station,
Thoothukudi District-4.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order of the respondent in Ka.No.18890/974/Na.P-I/Vu.Tha.Vi-3/2022-1, dated 30.12.2022 and quash the same and direct the respondent to provide employment to the petitioner on compassionate grounds.

For Petitioner : Mr.S.Micheal Heldon Kumar

For Respondent : Mr.S.Arivalagan,
Standing Counsel



W.P.(MD)No.2238 of 2024

WEB COPY

ORDER

Heard Mr.S.Micheal Heldon Kumar, learned counsel appearing for the petitioner and Mr.S.Arivalagan, learned Standing Counsel appearing for the respondent.

2. This Writ Petition has been filed challenging the impugned order of the respondent in Ka.No.18890/974/Na.P-I/Vu.Tha.Vi-3/2022-1, dated 30.12.2022 and consequently to direct the respondent to provide employment to the petitioner on compassionate grounds.

3. The petitioner's husband, viz., Terance, who was working as 'Helper' in the Thermal Power Station, Thoothukudi District, died while in harness. Hence, the petitioner has filed an application seeking employment under compassionate grounds. However, the petitioner's application has been rejected on the ground that the application has not been submitted by the petitioner within three years. In fact, the petitioner has sought an appointment for her son on compassionate grounds and the same was also rejected by the respondent stating that the application has not been submitted within three years.



W.P.(MD)No.2238 of 2024

WEB COPY

4. Mr.S.Michael Heldon Kumar, learned counsel appearing for the petitioner submitted that in view of the objection made by one Thuyamalar, the petitioner has filed a suit in O.S.No.443 of 2021 before the learned District Munsif, Thoothukudi to declare herself as the wife of the deceased Terance and the same was dismissed. Aggrieved over the same, the petitioner has filed an Appeal in A.S.No.74 of 2015 before the Sub Court, Thoothukudi and the same was allowed declaring the petitioner as legally wedded wife on 21.08.2019 and subsequent to the said order, the petitioner was given the pension.

5. So, it is stated that in view of the above circumstances, the petitioner was not able to file any application seeking compassionate appointment within three years.

6. Even now the petitioner has filed this application not for herself but on behalf of her son Dakshin. Though the petitioner was entangled in the litigations to declare her status as wife of the deceased, the legal status of the children was not in issue. Hence, the petitioner as a guardian or next friend has given an application on behalf of Dakshin, since he happened to be a minor. Since the essential condition of filing an application within a period of three



W.P.(MD)No.2238 of 2024

years from the date of the death of the Government servant has not been

complied, it is rightly rejected.

7. In view of the above, the Writ Petition stands **dismissed**. No costs.

Consequently, the connected miscellaneous petition is closed.

03.07.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

1.The Chief Educational Officer,
Madurai District.

2.The District Educational Officer (Secondary),
Thirumangalam,
Madurai District.

3.The District Educational Officer (Secondary),
Madurai District.



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W.P.(MD)No.2238 of 2024

R.N.MANJULA, J.

TSG

W.P.(MD)No.2238 of 2024

03.07.2024