



Rev.Applc.(MD).No.43/2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

Rev.Applc.(MD).No.43/2024

R.Jothimani

.. Petitioner

Vs.

1.The Chief Engineer [Agri.Engg]  
Agricultural Engineering Department  
487, Anna Salai, Nandanam  
Chennai 600 035.

2.The Superintending Engineering  
Agricultural Engineering Department  
Madurai.

3.The Executive Engineer,  
Agricultural Engineering Department  
455, Madurai Road, Theni.

... Respondents

**Prayer** : Review Application filed under Order 47 Rules 1 and 2 read with section 114 of CPC against the order dated 03.08.2022 in WA.(MD).No. 683/2022.



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For Petitioner : Mr.M.E.Elango  
For R1 to R3 : Mr.J.Ashok, AGP

### ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

- (1)The present Review Application is filed by the review applicant as against the order passed in WA.(MD).No.683/2022 dated 03.08.2022.
- (2)This Court finds no merit in the review application. Even though the writ petition was argued in a different line, the learned counsel now appearing for the review petitioner states that the judgment of this Court dated 03.08.2022 dismissing the writ appeal suffers from error apparent on the face of the record by referring to the following facts.
- (3)The review applicant's husband died on 22.02.2010. Thereafter, the applicant submitted an application seeking compassionate appointment. This appointment was for her minor son. That application was rejected vide proceedings dated 21.09.2011 only on the ground that the applicant's son had not attained majority and therefore, the application for compassionate appointment cannot be considered. Thereafter, the applicant herein submitted a letter on 12.09.2012 seeking compassionate



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appointment to her son on the ground that by June 2012, her minor son had attained majority. The communication of the applicant was rejected by proceedings dated 11.03.2014 on the ground that her son had not attained majority when the application was submitted in the year 2011 and therefore, the original application in the year 2011 cannot be considered to give appointment to the applicant's son. It was thereafter, the applicant submitted a letter regarding regularisation of the services of her deceased husband. Later, a fresh application was submitted by the applicant on 21.12.2020 seeking compassionate appointment to her son. The same was considered and rejected by third respondent by order dated 13.01.2021. After submitting a representation in the year 2010 seeking compassionate appointment for her, the applicant had filed subsequent representation seeking appointment for her son.

(4)When the application itself was rejected in the year 2014, the applicant or her son for whom the appointment was sought for, had not questioned the same within a reasonable time. The writ petition was filed challenging the order dated 13.01.2021 dismissing the application filed by the applicant seeking compassionate appointment for her son. The applicant



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has not questioned the order which was passed in the year 2014. Between 2014 and 2020, no representation was submitted.

(5) No writ petition was also filed for a direction to consider the representation of the review applicant herein till the year 2021. Even the last representation was submitted, even according to the applicant, by her and not by her son. The applicant has not approached this Court questioning the order any time. The applicant, who is the mother, has filed the writ petition questioning the order rejecting her representation in 2021 asking for appointment for her son.

(6) On the ground of delay and laches, the prayer in the writ petition cannot be granted apart from pointing out locus standi of the writ petitioner/review applicant to seek appointment for her son, who had attained majority even in the year 2012. The son of the review applicant has crossed 30 years now.

(7) Therefore, for all these reasons, this Court is not inclined to entertain this review application. Hence, this review application stands **dismissed**.

(8) Learned counsel for the review applicant now seeks liberty for the applicant to seek compassionate appointment. Such liberty cannot be



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granted after this length of time. This Court already expressed that either the applicant or her son cannot now agitate at this length of time having regard to the object for providing employment on compassionate grounds. Though this Court dismissed the appeal on the ground that the application is belated, the appeal is liable to be dismissed on merits even otherwise. Hence, this Court is not inclined to entertain this review. Accordingly, this Review Application is dismissed. No costs.

[S.S.S.R., J.] [S.S.Y., J.]  
28.10.2024

AP

Internet : Yes

Neutral Citation : Yes / No

To

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