



W.P.(MD)No.8040 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.8040 of 2024

A.Priyanka

... Petitioner

Vs.

1. The District Collector,
Thanjavur District,
Thanjavur.

2. The Tahsildar,
Peravoorani Taluk,
Thanjavur District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining the impugned order on Moo.Mu.51123/2014/A1 dated 21.01.2015 issued by the 1st respondent and quash the same and consequently direct the respondents to grant compassionate appointment

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to the petitioner.

For Petitioner : Mr.C.Padma Raj

For Respondents : Mr.M.Ramesh
Government Advocate

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the impugned order passed by the 1st respondent in Moo.Mu.51123/2014/A1 dated 21.01.2015 and consequently to direct the respondents to appoint the petitioner on Compassionate Ground.

2. Heard Mr.C.Padma Raj, learned counsel for the petitioner and Mr.M.Ramesh, learned Government Advocate for the respondents.

3. The petitioner's father, who was working as a Record Clerk died on 02.12.2010 while he was in service. Hence, the petitioner's mother had given a representation to the respondent on 17.03.2011 seeking for compassionate appointment as her family is in indigenous



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circumstances. But the said representation was rejected by the respondents stating that at the time of application was filed the petitioner ought to have completed 18 years of age. Hence, the petitioner had given a representation on 30.06.2014 after she attained majority. But the said representation was also rejected stating that as per G.O.Ms.No.155 dated 10.12.2024 there is no provision to provide compassionate appointment to the petitioner, since she was a minor at the time of the death of her father and she filed the application after 4 years.

4. Mr.C.Padma Raj, learned counsel for the petitioner submitted that the application sent by the petitioner's mother dated 17.03.2011 seeking appointment on compassionate grounds was not considered since the petitioner was a minor at the time of submitting the application. Hence, the petitioner, after attaining majority sent another application on 30.6.2014 and the said application also was rejected by the respondent stating the same reasons.



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5. Mr.M.Ramesh, learned Government Advocate for the respondents submitted that the impugned order of rejection was passed in the year 2015 on the ground of lapse of prescribed three years for filing the compassionate application and now, after a lapse of 10 years, the petitioner challenged the impugned order in this writ petition. He also placed reliance on the interim order of the Full Bench of this Court in ***W.P.(MD)No.7016 of 2011 and batch dated 11.03.2020 [Nandini Devi vs. The Secretary to Government, Health and Family Welfare Department, Secretariat, Chennai and batch]*** wherein it is held that no application for appointment on compassionate grounds can be entertained after a maximum period of three years. The relevant portion of the order is extracted hereunder.

"13. In the light of the above we find that the judgment in the case of A. Kamatchi v. The Chairman, Tamil Nadu Electricity Board, (2013) 2 CWC 758 is not only contrary to the law laid down in the case of E. Ramasamy v. The Chairman, Tamil Nadu Electricity Board, (2006) 4 MLJ 1080, but it also has, as indicated by our brother, Justice Subramonium Prasad, in his judgment, misconstrued the same. In view of what has been indicated above we are also of the view that the period of three years is a rationale and reasonable period under the relevant Government Orders and the rules. We may, however, observe that it is open to the



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State Government to make any provision for relaxation of the period in exceptionally rare cases on the principles as indicated herein above."

6. There is no quarrel on the point that for submitting an application seeking compassionate appointment, there is limitation of maximum period of three years and the applicants are expected to submit such applications within a period of three years and applications filed any time later shall not be considered. At the first instance, the petitioner's mother submitted an application for appointment on compassionate grounds after the death of her husband in the year 2010 itself, when the petitioner was a minor. After attaining majority the petitioner had sent a representation on 30.06.2014, that is, beyond the prescribed period of three years.

7. The fact remains that the impugned order of rejection was passed on 21.01.2015 and the same is put to challenge after a lapse of more than 10 years in this writ petition. There is no reason given as to why such a huge delay has occurred in challenging the impugned order.



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That itself clearly indicates that the petitioner has slept over. The scheme of compassionate appointment was introduced only to alleviate the distress of the family, caused due to the sudden demise of the breadwinner of the family. The object is to take care of the family immediately after the death of the employee. Having got an order of rejection in the year 2015, the petitioner has slept over all these years and suddenly, wake up and has filed this writ petition. As I do not find any merits, this writ petition is liable to be dismissed.

8. In the result, this writ petition is **dismissed**. No costs.

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NCC : Yes/No

Index : Yes/No

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2. The Tahsildar,
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