



WP(MD) No.7855 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.7855 of 2023

Pandiammal

... Petitioner

Vs.

1. The Chief Director,
National Highways Department,
Chennai - 25.

2. The Superintendent Engineer,
National Highways,
Tirunelveli Division - 2.

3. The Divisional Engineer,
National Highways, Virudhunagar.

4. The Assistant Divisional Engineer,
National Highways Department,
Office of the Assistant Divisional Engineer,
Srivilliputhur,
Virudhunagar District.

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records in Memorandum No. 283/2023/Aa1 dated 07.03.2023 on the file of 3rd respondent and quash the same as illegal, consequently, directing the respondents to consider the petitioners son Dineshkumar to appoint as compassionate ground.

For Petitioner : Mr.S.Kumar

For Respondents : Mr.J.Ashok

Additional Government Pleader

ORDER

The present writ petition has been filed challenging the impugned Memorandum No. 283/2023/Aa1 dated 07.03.2023 of the 3rd respondent and consequently, directing the respondents to consider the petitioner's son Dineshkumar to appoint as compassionate ground.

2. Heard Mr.S.Kumar, learned counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents.



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3. The petitioner's application seeking compassionate appointment in view of the death of his father, who was working as a Masdoor in the fourth respondent on 19.06.2005, has been rejected stating that the petitioner did not file application within a period of three years.

4. The petitioner claims that she has filed her application within time i.e., in the year 2007 itself. But the petitioner had wrongly stated that she has filed a application only in the year 2022 and it is factually incorrect. The copy of the representation of the petitioner has been annexed to show that she has given representation in the year 2007 itself, but the dates are altered.

5. However, some alterations are found in the dates. Hence, I do not find its' a best document to rely upon the consideration of the representation of the petitioner is in the year 2007.

6. However, the learned Additional Government Pleader submitted that the petitioner has given the first representation on



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29.08.2007, but when the respondent established communication with the petitioner in pursuant to the said application to furnish the necessary documents, the petitioner did not come forward and fulfill the requirements. Instead the petitioner has given an application afresh in the year 2022 and hence, the petitioner's application has been rejected as it is filed beyond the time limit.

7. The learned counsel for the petitioner submitted that she did not receive any communication so far in order to enable them to file the required documents. Since the petition filed by the petitioner seeking compassionate appointment has been rejected only for the technical reason of delay, but infact, there is no delay in submitting the application, the impugned order is liable to be set aside.

8. In view of the aforesaid reason, the writ petition is **allowed** and the impugned order of the third respondents dated 07.03.2023 is set aside. The respondents are directed to reconsider the representation of the petitioner, in the event of the petitioner producing all the relevant documents and pass orders on its own merits and in



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accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs.

12.06.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM

To

1. The Chief Director,
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Chennai - 25.
2. The Superintendent Engineer,
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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.7855 of 2023

Dated:
12.06.2024