



WP(MD). No.11880 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 26/06/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

WP(MD). No.11880 of 2024

R.Pugazhenth

... Petitioner

Vs

The Superintending Engineer,
Tangedco,
Pudukkottai District.

... Respondent

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 records pertaining to the respondents impugned order in Ka.No. 8340/Ni Pi/Ni A/Ko.Vaa.Velai/2022 dated 01.12.2022 and quash the same and consequently direct the respondent to grant compassionate appointment to the petitioner.

For Petitioner : M/s.K.G.Arunkumar,
For Respondent :Mr.B.Ramanathan



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ORDER

The petitioner has filed this writ petition challenging the impugned order in Ka.No.8340/Ni Pi/Ni A/Ko.Vaa.Velai/2022 dated 01.12.2022 of the respondents and to direct the respondent to grant compassionate appointment to the petitioner.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents

3. By consent, the writ petition itself is taken up for final disposal.

4. The petitioner's father, who was working in the respondent department died on 10.04.2008, while in harness. The petitioner, though he was a minor at that time, has filed an application on 08.04.2011, which is within three years, however, unfortunately his application came to be rejected within three days by citing the age as the reason. However, the said order rejecting the application dated 12.04.2011 was not challenged.



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5. Perusal of the order shows that the said order has not been communicated to the petitioner. The petitioner, being a minor, who was just 12 years at that time, cannot be expected that to challenge the order. It is incidental that the order has not been served on any guardian of the minor in order to challenge it on behalf of the minor. However, the petitioner has once again given a representation on 10.09.2019 and that has been rejected by stating that the application has already been rejected by citing the age as a reason.

6. To be noted that there is no minimum age limit for filing an application for compassionate appointment, though there is minimum age limit of 18 years to accept the appointment. Unfortunately, the petitioner's application has been considered within three days by simply rejecting the same by citing his age. Without even taking the efforts for serving a copy of the order to the guardian of the petitioner, the impugned order has been passed during his minority. After attained majority, the petitioner has chosen to challenge the same stating that the very same reason has been stated in the present order as well.



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7. Since the impugned order has not been passed by considering the entire aspects which need to be considered for compassionate appointment and also by misconstruing the minimum age limit for presenting the application for compassionate appointment, the impugned order is liable to be rejected.

8. Accordingly, the writ petition is disposed of by directing the respondents to reconsider the application of the petitioner on other grounds without citing the age as a reason and pass orders afresh within a period of four weeks from the date of receipt of a copy of this order. No costs.

26.06.2024

RR

To
The Superintending Engineer,
Tangedco,
Pudukkottai District.



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R.N.MANJULA,J

RR

**ORDER
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