



W.P.(MD)No.12560 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.12560 of 2024

and

W.M.P.(MD).No.11211 & 11212 of 2024

M.Pandi Devi

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Tamil Nadu Housing Board,
Fort St.George,
Chennai-9.
- 2.The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai, Nandanam,
Chennai-35.
- 3.The Administrative Officer,
Tami Nadu Housing Board,
CMDA Campus, EMC Market Road,
Koyambedu,
Chennai.
- 4.The Executive Officer & Administrative Officer,
Madurai Housing Unit,
Ellis Nagar,
Madurai.

... Respondents



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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 relating to the impugned order passed by the third respondent in his proceedings in கடித எண்.பி.தொ.நு.அ3/14970/2020 dated 24.03.2020 and quash the same as illegal and consequently to direct the respondents to provide employment to the petitioner in any entry level post on compassionate ground by taking into account of her indigent circumstances within the period that may be stipulated by this Court.

For Petitioner : Mr.K.Ponnaiah,
for M/s.Ajmal Associates

For R-1 : Mr.J.Ashok,
Additional Government Pleader

For R-2 to R-4 : Mr.S.Suresh,
Standing Counsel

ORDER

Heard Mr.K.Ponnaiah, learned counsel appearing for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the first respondent and Mr.S.Suresh, learned Standing Counsel appearing for Respondent Nos.2 to 4.



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2. This Writ Petition has been filed challenging the impugned proceedings of the third respondent in his proceedings in கடித எண்.ப.தொ.நு.அ3/14970/2020 dated 24.03.2020 and consequently to direct the respondents to provide employment to the petitioner on compassionate grounds.

3. Mr.K.Ponnaiah, learned counsel appearing for the petitioner submitted that the petitioner's father, who was working as a 'Sweeper' in the fourth respondent Unit, died on 05.12.2009, while he was in service. Thereafter, the brother of the petitioner, viz., M.Lakshmidasan, has filed a petition before the respondents on 12.10.2021 seeking to provide employment under compassionate grounds. However, his representation has not been considered and he died on 14.04.2020. Thereafter, the petitioner made several representations before the respondents seeking to provide employment under compassionate grounds. But her application has been rejected by the third respondent on 24.03.2023. He further submitted that the petitioner is aggrieved due to the impugned order passed by the third respondent seeking compassionate appointment in view of the death of her brother, viz., M.Lakshmidasan, who died on 14.04.2020.



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4. The petitioner has submitted an application seeking for compassionate appointment on 22.09.2022. But her application was rejected by the third respondent stating the reasons that even when the employee died, the petitioner has crossed 40 years of age. The third respondent has made specific that at the time when the petitioner had submitted the application (i.e.,) 20.10.2020 seeking for compassionate appointment her age was 41 years, 4 months and 1 day. As per the Scheme, if the applicant is a spouse, father or mother, the maximum age limit for getting employment under compassionate ground can be fifty years and if the applicant is a son or daughter of the deceased Government servant or if the applicant is unmarried brother / unmarried sister of the unmarried deceased Government servant, the maximum age limit would be 40 years.

5. Since the petitioner is the sister of the deceased and has crossed 40 years of age, her request has been rejected. When the Rule contemplates a minimum and maximum age limit for certain category of the dependants, the petitioner cannot expect to violate the Rules and pass an order to accept the application of the petitioner. The impugned order has been passed only in accordance with law.



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6. Hence, the Writ Petition stands **dismissed**. No costs. Consequently,

connected Miscellaneous Petitions are closed.

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NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

To
The Secretary to Government,
State of Tamil Nadu,
Tamil Nadu Housing Board,
Fort St.George,
Chennai-9.



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R.N.MANJULA, J.

TSG

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