



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.14806 of 2024

K.Arun

.. Petitioner

Vs.

1. The District Collector,
Pudukkottai,
Pudukkottai District.

2. The Block Development Officer,
Panchayat Union Office,
Karambakudi,
Pudukkottai District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.No.2455/2023/Pa2 (Development) dated 06.03.2024 passed by the 1st respondent and quash the same as illegal and consequently direct the respondents to provide employment to the petitioner under the compassionate ground



due to death of his father Late.Krishnamoorthy.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader
for R1

: Mr.M.Siddharthan
Additional Government Pleader
for R2

ORDER

Heard Mr.R.J.Karthick, learned counsel appearing for the petitioner, Mr.S.Shanmugavel, learned Additional Government Pleader appearing for the first respondent and Mr.M.Siddharthan, learned Additional Government Pleader appearing for the 2nd respondent.

2. The petitioner has filed this writ petition challenging the order dated 06.03.2024 through which the petitioner's application seeking compassionate appointment was rejected and consequently to direct the respondents to provide employment to the petitioner under the compassionate ground.



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3. The petitioner's father was working as a Driver under the 2nd respondent. The petitioner's father died on 17.09.2014 while he was in service. Hence, the petitioner's elder sister Pavithra sent an application on 28.09.2016 seeking for compassionate appointment within the prescribed time. The same was rejected on 20.12.2016 stating that she did not have the required age limit. At that time, the petitioner was also a minor. Consequently, the petitioner's sister had given several representations on 11.06.2018, 02.07.2018 & 02.07.2019. But no orders was passed by the 1st respondent. Thereafter, she gave no objection and consent for giving appointment to the petitioner. Therefore, after attaining majority, the petitioner has filed another application on 29.01.2024 seeking appointment for himself. But the same was also rejected vide impugned order dated 06.03.2024 on the ground that the petitioner was a minor at the time of death of his father.

4. The fact that the petitioner was minor at the time when his father died is not in dispute. The rule only prescribed that at the time when the appointment order was made under the compassionate



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appointment scheme, the legal heir should not be below 18 years.

Hence, the rule does not contemplate a condition that at the time of application itself, the legal heir of the deceased should have attained majority. So, it is wrong on the part of the respondents to reject the application otherwise on the wrong notion that the petitioner ought to have completed 18 years at the time of filing the very application itself. Hence, the impugned order is liable to be set aside.

5. In view of the same, this Writ Petition is **allowed** and the impugned order dated 06.03.2024 is set aside. The 1st respondent is directed to reconsider and pass orders afresh within a period of four weeks from the date of receipt of a copy of this order. No Costs.

19.07.2024

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



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To

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Pudukkottai,
Pudukkottai District.

2. The Block Development Officer,
Panchayat Union Office,
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Pudukkottai District.



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R.N.MANJULA, J.

PJL

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