



WP(MD). No.17700 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 10/06/2024

CORAM

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

WP(MD). No.17700 of 2023

Yuvasri.M,

... Petitioner

Vs

1. The Pa to District Collector,(Noon Meal),
O/o. Madurai Collectors Office,
Madurai..

2. The Commissioner,
Madurai West Panchayat Union,
Madurai..

... Respondents

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 relating to proceeding in Na.Ka. No. 6104/2023/Sa.Vu.Thi-1, dated 08.05.2023 passed by the 1st respondent and quash the same as illegal and consequently direct the 1st respondent to provide compassionate appointment to the petitioner within the time stipulated period by this Court.

For Petitioner : Mr.P.Murugesan,
For Respondents : Mr.M.Lingadurai
Special Government Pleader



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ORDER

The writ petition has been filed challenging the orders of the 1st respondent dated 08.05.2023, whereby the application for appointment of the petitioner on compassionate ground has been rejected.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

3. The petitioner's mother, who was working as Noon Meal Organiser, died on 29.04.2009. Hence, the petitioner as her legal heir has given an application to the respondents to consider her case on compassionate ground appointment. However, her application was rejected on the ground that there is a delay of three years in submitting her application. It is the case of the petitioner that she was a minor at the time when her mother passed away and her brother has also given a no objection certificate. Hence, the petitioner is before this Court.



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4. When similarly placed person has approached this Court by filing writ petition in WP(MD) No.13863/2022, this Court has allowed the writ petition vide order dated 28.07.2023. In the said order, this Court has held as follows:

“7.In view of the order passed by this Court in W.P(MD)No.1866 of 2020, this Court has held that an application made by the employee's legal heirs who had been a minor within three years from the date of death of the employee and when the application is belatedly made on attaining majority, such an application should be accepted in line of the said order passed by this Court.

8.In this case, this Court directs the respondents to treat it as a special case and appoint the petitioner in a suitable job in terms of his educational qualification. Moreover, this is a special case, wherein, the petitioner and the petitioner's mother's application was kept in abeyance for 26 long years and the respondents cannot refuse to appreciate the application on the basis of G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020 and fixing liability for their prolonged delay to dispose of an application seeking compassionate appointment, the respondents are bound to give employment to the petitioner and in that term, this Court is inclined to quash the impugned order, dated 17.03.2022 passed by the second respondent.

9.Accordingly, the impugned order, dated 17.03.2022 passed by the second respondent is quashed and the respondents are directed to provide employment to the petitioner forthwith.

10.With the above directions, this Writ Petition is allowed. There shall be no order as to costs.”



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5. Following the said decision, since the petitioner herein is also similarly placed, the impugned order is liable to be interfered with.

6. Accordingly, the writ petition is allowed and the impugned order of the first respondent dated 08.05.2023 is set aside and the respondents are directed to consider the case of the petitioner as per the aforesaid decision of this Court and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. No costs.

10.06.2024

RR

TO

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(Noon Meal), O/o. Madurai Collectors Office,
Madurai..
2. The Commissioner,
Madurai West Panchayat Union,
Madurai..



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R.N.MANJULA,J

RR

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