



W.P.(MD).No.19046 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.19046 of 2023

and

W.M.P(MD) Nos.15818 and 15819 of 2023

S.Arumugam

... Petitioner

Vs.

1. The Joint Registrar,
Co-operative Societies Joint Registrar Office,
Pallayamkottai,
Tirunelveli District.

2. The Deputy Registrar,
Co-operative Societies Joint Registrar Office,
Pallayamkottai,
Tirunelveli District.

3. The Managing Director,
Palayamkottai Urban Co-operative Bank,
Pallayamkottai, Tirunelveli District.

4. The General Manager,
Palayamkottai Urban Co-operative Bank,
Pallayamkottai,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent through



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his proceedings in Na.Ka/4676/2022 Sa Ba dated 05.12.2022 and quash the same as illegal and consequentially to direct the respondents to appoint the petitioner on compassionate ground to any of the post commensurate with the petitioner's qualification within the period that may be stipulated by this Court.

For Petitioner : Ms. R.Geethanjali
for M/s.Ajmal Associates
For Respondents : Mr.A.Baskaran
Additional Government Pleader

ORDER

The instant Writ Petition has been filed by the son of a deceased employee of the fourth respondent Bank, challenging the order passed by the first respondent, wherein the request of the writ petitioner for grant of compassionate appointment has been rejected.

2. The petitioner's father was working as an Office Assistant in the fourth respondent Bank had passed away on 26.09.2006, while he was in service. At the time of death of his father, the petitioner was aged about 10 years. The petitioner attained majority on 08.06.2014. Thereafter, the petitioner submitted an application on 13.08.2014 seeking compassionate appointment. The said application has been rejected on 05.12.2022 on the

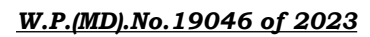


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ground that the petitioner has not submitted the application seeking compassionate appointment within a period of three years from the date of death of his father. This order is put to challenge in the present writ petition.

3. According to the learned counsel appearing for the writ petitioner, when his father passed away, the petitioner was a minor and he was aged about 10 years and therefore, within two months after attaining majority the present application seeking compassionate appointment has been made. Therefore, the period of three years should commence only from the date of attaining majority and not from the date of death of the employee. The petitioner has also relied upon the order of this Court in W.P.No.24981 of 2023, dated 06.08.2024, wherein this Court has held that three years should be calculated only from the date of attaining majority, in all cases, where on the date of death of the employee the persons seeking employment was a minor.

4. Per contra, the learned Additional Government Pleader appearing for the respondents herein, relying upon the counter, had contended that as per G.O(Ms) No.18, Labour and Employment Department, dated 23.01.2020, the



5. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

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completed. Therefore, it is clear that when an application is presented within three years from the date of the death of his father, the petitioner would have completed just 13 years and he would be barred for making an application, since he has not completed 18 years. These two clauses found in the Government Order, having been harmonious, cannot be read in such a manner that an application for compassionate appointment cannot be given by a minor son/daughter.

7. The learned single Judge of this Court in W.P.No.24981 of 2023, dated 06.08.2024 has proceeded to interpret the said clauses of the Government Order in such a manner that the period of three years should always be calculated from the date on which the candidate had attained majority and should not commence from the date of death of the Government employee. This Court is inclined to follow the said judgment.

8. Therefore, the order impugned in the writ petition is set aside and the matter is remitted back to the file of the first respondent. The first respondent herein is directed to consider the application of the writ petitioner on merits and in accordance with law, and if he is otherwise qualified pass an order



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granting appointment on compassionate ground, within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above said observations, this Writ Petition stands allowed to the extent as stated above. There shall be no order as to costs. Consequently connected Miscellaneous Petitions stand closed.

18.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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