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W.P.(MD).No.20101 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 29.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.20101 of 2024

Premkumar

...Petitioner

Vs

1.The District Collector
Madurai District
Madurai

2.The Accountant Officer (Salary)
Account Office (Salary)
Madurai 625 001

3.The Treasury Officer
District Treasury Office
Collectorate, Madurai -20

...Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned rejection passed by the third respondent in Na.Ka.No. 2724/2023/A1 dated 08.11.2023 and quash the same, consequently to direct the respondents to appoint the petitioner for compassionate ground on the death of his father namely Murugesan.

For Petitioner : Mr.M.Ramu

For Respondents : Mr.A.Baskaran
Additional Government Pleader



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ORDER

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The instant writ petition has been filed by the son of the deceased Office Assistant working in the third respondent office challenging the order passed by the third respondent dated 08.11.2023 wherein the request of the petitioner for granting compassionate appointment has been rejected on the ground that the application has not been filed within three years from the date of death of the employee.

2.The petitioner's father who was working as an Office Assistant in the third respondent office had passed away while in service on 15.05.2018. The petitioner's elder brother namely one Vijayakumar has submitted his application seeking compassionate appointment on 10.02.2019. The said application was rejected by the authorities on 29.12.2021 on the ground that he was over-aged on the date of filing of an application. Thereafter, the petitioner, his younger brother, had preferred an application in his name on 26.06.2023 which has been rejected under the impugned order dated 08.11.2023 on the ground that the application has been filed beyond a period of three years. This order is under challenge in the present writ petition.

3.According to the learned counsel for the writ petitioner, the first application by his elder brother was given within a period of three years. The authorities have taken two years time to decide the said issue and rejected it only on 29.12.2021 and thereafter, within a period of three years from that



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date, he had presented the application and therefore, the application should have been considered on merits.

4.Per contra, the learned Additional Government Pleader appearing for the respondents herein had submitted that the petitioner's father had passed away on 15.05.2018 and the request of the elder brother was rejected on 29.12.2021. The petitioner's application was presented 1 ½ years after rejection order and therefore, the impugned order may be sustained.

5.I have considered the submissions made on either side and perused the material records.

6.When the impugned order of rejection was passed on 08.11.2023, Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules, 2023 was in force. As per Rule-9 of the said Rules, an alternative application could be presented by any one of the family members within one year from the date of making the application for appointment. In the present case, the petitioner's elder brother has presented an application within a period of three years from the date of death of his father and it was rejected on 29.12.2021 on the ground that the petitioner's elder brother was over-aged on the date of application. Therefore, the petitioner, who is the younger brother, should have presented his alternative application at least within a period of one year from the date on which the elder brother's application was rejected. However, the application having been presented on 26.06.2023 is beyond a period of one



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year. In such circumstances, there are no merits in the writ petition and the writ petition stands dismissed. No costs.

29.11.2024

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
msa

To

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R.VIJAYAKUMAR, J.

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