



WP(MD). No.21125 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 10/06/2024

CORAM

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

**WP(MD). No.21125 of 2023
and WMP(MD) No.17532 of 2023**

K.Anbarasan

... Petitioner

Vs

1. The District Collector,
Sivagangai District,Sivagangai.

2. The Block Development Officer,
Kallal Panchayat Union,Kallal,
Sivagangai District.

... 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 from the 1st respondent in his proceedings in Na.Ka.PPi.3/14910/2019 dated 26.09.2019 and quash the same and consequently direct the respondents to provide employment to the petitioner on compassionate ground within the period stipulated by this Court.

For Petitioner : M/s.N.Sathish Babu,
For Respondents : Mr.J.Ashok
Additional Government Pleader



WP(MD). No.21125 of 2023

ORDER

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The writ petition has been filed challenging the orders of the 1st respondent dated 26.09.2019, 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 Additional Government Pleader for the respondents.

3. The petitioner's father, who was working as an Office Assistant at the 2nd respondent, died on 28.12.2012. Hence, the petitioner as his legal heir has given an application to the respondents to consider his case for compassionate appointment. However, his application was rejected on the ground that he was a minor and hence he is not entitled for compassionate appointment.

4. It is further submitted that according to the respondents, from 04.05.2010 onwards, the persons, who attained majority, have to apply for employment on compassionate ground and the said order has not



WP(MD). No.21125 of 2023

been served on the petitioner. His mother has also sent an application on 15.05.2015 seeking employment on compassionate appointment for the petitioner after he attained the age of majority. The petitioner's mother has filed a writ petition in WP(MD) No.14467/2015, seeking a direction to consider the above application and the same was disposed by directing the respondents to consider the application of the petitioner.

5. Pursuant to the said order, the petitioner's mother submitted an application on 19.08.2019, which came to be rejected by the respondent through the impugned order.

6. Even though the petitioner was a minor at the time the application was filed, when the order was passed by the respondents, the petitioner is a major. Further, in the recent Government Order issued in G.O.(Ms).No. 33, Labour Welfare and Skill Development (Q1) Department, dated 08.03.2023, it is stated that there shall be no minimum age limit for the applicant on the date of application for appointment. However, no appointment shall not be provided unless the applicant completes 18 years age.



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WP(MD). No.21125 of 2023

7. For the purpose of clarity, the above Rule is extracted as under:

“6. Age limit-(1) Notwithstanding anything contained in these rules governing the post for which appointment on compassionate grounds is to be made, on the date of application for appointment.

(a) the spouse of the deceased or medically invalidated Government Servant or the parent of the deceased Government servant, must not have completed fifty years of age; and

(b) the son, daughter, brother or sister of the deceased or medically invalidated Government servant must not have completed forty years of age.

(2) Notwithstanding anything contained in these rules governing the post for which appointment on compassionate grounds is to be made, there shall be no minimum age limit for the applicant on the date of application for appointment.



WP(MD). No.21125 of 2023

Provided that appointment shall not be provided unless the applicant completes eighteen years of age.”

8. The application was rejected on the ground that the petitioner was minor at the time when the application was filed and now the petitioner has attained majority. In such case, the request could have been considered on other merits.

9. In view of the above, the writ petition is disposed of by directing the respondents to consider the application of the petitioner and pass orders on other merits on the same and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently connected Miscellaneous Petition is closed.

10.06.2024

**RR
TO**

1. The District Collector,
Sivagangai District, Sivagangai.
2. The Block Development Officer,
Kallal Panchayat Union,
Kallal, Sivagangai District.

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WP(MD). No.21125 of 2023

R.N.MANJULA,J

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**ORDER
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