



WP(MD). No.23305 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.23305 of 2023

Dineshkumar

... Petitioner

v.

1. The Additional Director,
Land Survey Records Department,
Survey House, Chepauk,
Chennai - 600 005..

2. The Assistant Director,
Land Survey Records Department,
District Survey Office,
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 pertaining to the impugned order passed by the 2nd respondent in O.Mu.5891870/2023 dated 27.07.2023 and quash the same as illegal and consequently to direct the respondents to appoint the petitioner on compassionate ground in the suitable post, based on his educational qualification, within the time limit that may be stipulated by this Court.



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For Petitioner : Mr.S.Vikram
For Respondent : Mr.P.Thambidurai
Government Advocate
ORDER

The petitioner has filed this writ petition challenging the impugned order of the 2nd respondent dated 27.07.2023, in and by which, the application of the petitioner seeking appointment on compassionate ground was rejected.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

3. The petitioner's father, who was work as a Surveyor in the land survey records department, died on 09.06.2005, while in harness leaving the petitioner, his mother, his four sisters as his legal heirs. Since the petitioner is entitled for getting appointment on compassionate ground, the petitioner and his mother made applications to the respondents. However, the same have been rejected stating that the application dated 23.08.2005 was not presented in time and on that date, the petitioner has



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not completed the age of 18 years. The subsequent order dated 23.02.2022 states that the application of the petitioner has not been filed within three years of his father's death and a criminal case is pending against the petitioner. Subsequently on 06.03.2022, when the petitioner has applied again, which was also rejected through the impugned order stating that the application is not filed in time, ie., within three years and on the date of application, the petitioner was not completed the required age of 18 years.

4. The learned counsel for the petitioner submitted that so far as criminal case is concerned, the petitioner got acquitted and that cannot be a reason for rejection and the rejection has also been made stating that the petitioner's application has not been filed in time. He submitted that the application was filed in time, ie., within three years of the death of his father.

5. However, the pendency of cases and all other matters assume relevance only when the respondent considers the application of the petitioner for granting any appointment. Even if the respondents choose



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to give any appointment to the petitioner, that will be subject to other verifications including police verification known to the Government service. The other reasons for which the application was rejected has no relevance. One such reason is that the petitioner's mother has given an application to another legal heir, who is the sister of the petitioner and the same was also rejected.

6. It seems that the petitioner's mother and the other legal heir have given no objection to the appointment on compassionate ground of the petitioner and hence, that also cannot be a hurdle. The other reason is that the petitioner has not given the application within three years of the death of his father. However, the petitioner's application can be considered only as a substitution in view of the fact that the petitioner had filed an application seeking compassionate appointment for the petitioner's sister. In view of the above stated reasons, the impugned order is liable to be set aside.



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7. Accordingly, the writ petition is allowed and the impugned order of the 2nd respondent dated 27.07.2023 is set aside and the respondents are directed to reconsider the claim of the petitioner and pass orders afresh, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. No costs.

10.06.2024

RR

TO

1. The Additional Director,
Land Survey Records Department,
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Chepauk,
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2. The Assistant Director,
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R.N.MANJULA, J.

RR

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