



W.P.(MD)No.25638 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.25638 of 2022
and
W.M.P.(MD).No.19724 of 2022

M.Poongumaran

... Petitioner

Vs.

1.The Principal Chief Conservator of Forests (Hod),
No.1, Jeenis Road, Panagal Building,
IX Floor, Saidapet, Chennai- 600 015.

2.The Additional Chief Conservator of Forests,
Madurai Circle,
No.2, Race Course Road, Madurai- 625 002.

3.The District Forest Officer,
Theni Division,
Housing Board Colony, KRR Nagar,
Theni- 626 331.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned proceeding of the third respondent vide his order in ந.க.எண். 9429/2020/பு2 dated 23.11.2021 and quash the same as arbitrary and illegal and consequently to direct the respondents to appoint the petitioner on compassionate ground in the post of Junior Assistant, as per the earlier



W.P.(MD)No.25638 of 2022

recommendations of the third respondent made vide his letter in
ந.க.எண்.க/9429/2020 நாள் : 05.05.2021 within the time limit that may be
stipulated by this Court.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.J.Ashok,
Additional Government Pleader

ORDER

Heard Mr.R.Venkatesan, learned counsel appearing for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents.

2. This Writ Petition has been filed challenging the impugned proceedings of the third respondent vide his order in Na.Ka.No. 9429/2020/Pa2 dated 23.11.2021 and consequently to direct the respondents to grant appointment to the petitioner on compassionate grounds.

3. The petitioner's father who worked as a Forest Guard at Varasanadu Forest Station, Theni Division, died on 18.03.2007 while he was in service. The petitioner who was a minor on the date of death of his father, has subsequently made an application to the respondents after he attained majority



W.P.(MD)No.25638 of 2022

seeking compassionate appointment. However, the same was rejected on the ground that the application was not filed within three years from the date of death of the Government employee. Hence, the writ petition.

4. The matter in hand is no more a *res-integra*. This Court has already dealt with a similar issue in *W.P.(MD).No.10472 of 2022.*, wherein, it is held as follows:

6. Though the limitation period prescribed to submit an application for appointment on compassionate grounds is three years from the date of death of the Government employee, there are certain instances, in which, the Rules can be relaxed at the discretion of the respondents themselves, taking into consideration the holistic view of the situation of the family at the time of death of the Government employee. The petitioner's case is also one such case. Even though, this Court cannot pass orders directing the respondents to provide an appointment to the petitioner on compassionate grounds, the respondents shall consider the application of the petitioner in a positive manner. It is only observed that the respondents shall re-look the circumstances of the petitioner's family at the time



W.P.(MD)No.25638 of 2022

of the death of the petitioner's father and pass orders afresh that it deems fit.

*7. In view of the above observations, the writ petition is **disposed of** and the second respondent is directed to re-look the circumstances of the petitioner's family at the time of the death of the petitioner's father and pass orders afresh that it deems fit, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.*

5. In view of the decision cited supra, this Writ Petition is **disposed of** with a direction to the second respondent to re-look the circumstances of the petitioner's family at the time of the death of the petitioner's father and pass orders afresh that it deems fit, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

06.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



W.P.(MD)No.25638 of 2022

To

1. The Principal Chief Conservator of Forests (Hod),
No.1, Jeenis Road, Panagal Building,
IX Floor, Saidapet, Chennai- 600 015.
2. The Additional Chief Conservator of Forests,
Madurai Circle,
No.2, Race Course Road, Madurai- 625 002.
3. The District Forest Officer,
Theni Division,
Housing Board Colony, KRR Nagar,
Theni- 626 331.



WEB COPY



W.P.(MD)No.25638 of 2022

R.N.MANJULA, J.

TSG

W.P.(MD)No.25638 of 2022

06.06.2024