



W.A.(MD) No.124 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.A.(MD) No.124 of 2024
and C.M.P.(MD) Nos.1014 and 1017 of 2024**

S.Saranya

... Appellant/Writ Petitioner

-VS-

- 1.The Government of Tamilnadu,
Rep. by its Secretary,
Department of Rural and Urban Development,
St. George Fort,
Chennai.
- 2.The Director of Rural Development & Village Panchayat,
Directorate Office,
Panagal Building,
Chennai – 600 015.
- 3.The District Collector,
Collector Office,
Ramanathapuram.
- 4.The Block Development Officer,
The Nainarkovil Panchayat Union,



W.A.(MD) No.124 of 2024

WEB COPY Nainarkovil,
Ramanathapuram District.

5.A.Jeyalakshmi

... Respondents/Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 10.09.2018, passed in W.P.(MD) No.17776 of 2018, on the file of this Court.

For Appellant : Mr.T.Aswin Rajasimmon

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R1 to R4

Mr.M.Ajmal Khan,
Senior Counsel for
Mr.D.Aathimoolapandian

J U D G M E N T

[Judgment of the Court was made by D.KRISHNAKUMAR, J.]

The Writ Appeal has been filed challenging the order dated 10.09.2018, passed by the learned Single Judge in W.P.(MD) No.17776 of 2018.



W.A.(MD) No.124 of 2024

WEB COPY

2. By consent of both sides, the Writ Appeal is taken up for final disposal at the stage of admission itself.

3. By the impugned order, the learned Single Judge has allowed the Writ Petition filed by the appellant, seeking compassionate appointment, however, with a condition that the appellant should pay 25% gross salary to the fifth respondent. At the time of passing the order, the appellant has expressed no objection for paying 25% of the gross salary to the 5th respondent. Pursuant to the order of this Court dated 10.09.2018, the appellant has got appointed as Junior Assistant on 21.10.2019 and she continues to pay 25% of her gross salary to the 5th respondent. The services of the appellant has also been regularized. Now, after five years, the appellant has filed the present Writ Appeal, challenging the conditional order passed by the learned Single Judge.

4. Learned Senior Counsel appearing for the 5th respondent stated that the appellant having agreed for the conditional order and got compassionate appointment based on the order of the learned Single Judge, now after five years



W.A.(MD) No.124 of 2024

and after her services have been regularized, cannot challenge the order allowing her Writ Petition.

5. We have carefully considered the rival submissions and gone though the impugned order.

6. In paragraph 12 of the impugned order, learned Single Judge has recorded the fact that the appellant has no objection for the conditional order and has allowed the Writ Petition filed by the appellant on conditions. Subsequently, the said order has been acted upon and the appellant has got appointed as Junior Assistant and her services were regularized and she is paying Rs.7,000/- per month to the 5th respondent. Now, after five years from the date of disposal of the Writ Petition, the present Writ Appeal has been filed. Having expressed her no objection for passing conditional order, now, after five years, the appellant cannot seek to challenge the conditional order after availing the benefits of the conditional order. Hence, we find no merits in the Writ Appeal and the same is liable to be dismissed.



W.A.(MD) No.124 of 2024

WEB COPY

7. Accordingly, the Writ Appeal stands dismissed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

[D.K.K., J.] [R.V., J.]

29.01.2024

Index : Yes / No

Internet : Yes / No

SJ

To

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W.A.(MD) No.124 of 2024

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and
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