



W.P.(MD)No.29263 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.29263 of 2023

Premkumar

... Petitioner

vs.

1.The Principal Secretary to Government of Tamil nadu,
Department of Revenue Disaster Management,
Chepauk, Chennai.

2.The District Collector,
Pudukkottai.

3.The Divisional Excise Officer,
Divisional Excise Office,
Collectorate, Pudukkottai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records in Moo.Mu/A1/1217260/2023 dated 16.08.2023 passed by the second respondent and quash the same as illegal and arbitrary and thereby direct the respondents to provide appointment to the petitioner on compassionate grounds.



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For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.M.Ramesh
Government Advocate

ORDER

Heard Mr.P.Ganapathi Subramanian, learned counsel appearing for the petitioner and Mr.M.Ramesh, learned Government Advocate appearing for the respondents.

2. The petitioner has filed this writ petition seeking to issue a Writ of Certiorarified Mandamus to call for the records in Moo.Mu/A1/1217260/2023 dated 16.08.2023 passed by the second respondent, quash the same and direct the respondents to provide appointment to him on compassionate grounds.

3. The petitioner's father who worked as an Assistant in the third respondent Office died on 16.11.2012 while in service. Subsequently, the petitioner's mother has made an application to the respondents on 15.11.2015 seeking compassionate appointment for the



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petitioner. However, the same was rejected by the second respondent stating that the petitioner has not attained majority on the date of submitting the application. Subsequently, the petitioner has been continuously giving representations to the respondents seeking appointment on compassionate grounds. One such representation given to Minister of Revenue and Disaster Management on 24.07.2023, was forwarded to the second respondent and the second respondent rejected the application on 16.08.2023 stating that the petitioner has not attained majority on the date of application on 15.11.2015 and that the age relaxation given in the appended Notification of the Government Order in G.O.Ms.No.33, Labour Welfare and Skill Development (A1) Department, dated 08.03.2023 is applicable only to the descendants of the Government employees who passed away after 08.03.2023. Hence, the writ petition.

4. Despite the impugned order refers about the Government Order in G.O.Ms.No.33, Labour Welfare and Skill Development (A1) Department, dated 08.03.2023, which says there is no minimum age for submission of application for appointment on compassionate grounds, but



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only for getting an order of appointment, the said benefit was not extended to the petitioner in view of the prospective nature of the Government Order.

5. It is learnt that the petitioner had attained majority in the year 2015 itself. Even without considering the benefit under the aforesaid Government Order, the fact remains that the application of the petitioner's mother dated 15.11.2015 was not considered until the petitioner attained majority and the same was rejected only after the petitioner had attained majority. Obviously, on 16.08.2023, when the impugned order has been passed, the petitioner was a major. In such circumstances, the respondents shall re-consider the application of the petitioner on merits without rejecting the same on technical ground that he had not attained majority.

6. In view of the above observations, the writ petition is **disposed of** and the impugned order of the second respondent in Moo.Mu/A1/1217260/ 2023 dated 16.08.2023 is set aside and the second



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respondent is directed to re-consider the application of the petitioner dated 24.07.2023 in a holistic manner and pass orders afresh 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

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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To

- 1.The Principal Secretary to Government of Tamil nadu,
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- 3.The Divisional Excise Officer,
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R.N.MANJULA, J.

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