



W.P.(MD)No.29926 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.29926 of 2023 &
W.M.P.(MD)Nos.25803, 25804 & 25807 of 2023

R.Muthukumar

... Petitioner

VS.

1.The Secretary,
Government of India,
Ministry of Personnel & Training,
North Block, New Delhi.

2.The Director,
National Institute of Technology,
Thuvakudi, Trichy - 620 015.

3.The Registrar,
National Institute of Technology,
Trichy - 620 015.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned announcement dated 30.08.2023 of the third respondent and consequential impugned order in Reg:NITT/Estt/2023-24/ dated 01.12.2023 issued by the third respondent, quash the same as illegal and manifestly arbitrary and consequently direct the third respondent to



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appoint the petitioner on compassionate appointment.

For Petitioner : Mr.P.Karthick

For Respondents : Mr.K.Govindarajan,
Central Government Standing Counsel
for R1

Mrs.Maria Roselin for R2 and R3

ORDER

Heard Mr.P.Karthick, learned counsel appearing for the petitioner, Mr.K.Govindarajan, learned Central Government Standing Counsel for the first respondent and Mrs.Maria Roselin, learned counsel for the respondents 2 and 3.

2. The petitioner has filed this writ petition seeking to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned announcement dated 30.08.2023 of the third respondent and consequential impugned order in Reg:NITT/Estt/2023-24/ dated 01.12.2023 issued by the third respondent, quash the same and consequently direct the third respondent to appoint him on compassionate grounds.



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3. The petitioner's father who worked as a Mechanic 'A' -Grade in the Estate Maintenance Department died on 06.07.2005 while in service. The petitioner's mother has filed an application on 11.08.2005 seeking appointment to the petitioner on compassionate grounds since the petitioner was a minor at the relevant point of time. Subsequently, the petitioner has made various applications in this regard. However, the petitioner's applications dated 06.09.2023, 01.02.2023 and 23.12.2022 have been rejected stating that he has to apply through website by giving fresh application. Hence, the writ petition.

4. It is to be noted that the respondents had considered the representation of the petitioner dated 23.12.2022 as his original application, but, the petitioner's mother has given application in this regard as early as on 11.08.2005 itself.

5. Mr.P.Karthick, learned counsel appearing for the petitioner submitted that the point based scheme for compassionate appointment has come into force in the year 2023 and that is applicable only for the future



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applications and not to the case of the petitioner who has made applications at an earlier point of time.

6. Mrs.Maria Roseline, learned Standing Counsel appearing for the respondents 2 and 3 submitted that no appointment under the Compassionate Appointment Scheme has been made from the year 2007 to till date. It is her submission that Regional Engineering College has become National Institute of Technology in the year 2007 and since the Rules have been framed only in the year 2023, it is right for the petitioner to apply online as per the new scheme.

7. The learned counsel for the petitioner submitted that in the year 2003 itself, notification has been issued by converting the Regional Engineering College to National Institute of Technology by giving deemed University status, with immediate effect.

8. However, the learned standing counsel for the respondents 2 and 3 submitted that only in the year 2007, NIT Act, 2007 came into



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force, NIT has become a statutory body and the Rules were framed later.

9. In the year 2018 itself, the application of the petitioner has been processed and he was called upon to submit certain documents. Thereafter, he was informed that depending upon the seniority list, the appointment will be issued. In such case, seniority number ought to have been assigned to the petitioner's application. In reality, it has not been done so far. The communication of the third respondent dated 20.06.2018 would only show that even though there are no Rules at the relevant point of time, consideration of the application of the legal heirs of the employees who died during service, for accommodating in any post on compassionate grounds was in practice, even before the new scheme came into force in the year 2023.

10. So in all fairness, the respondents ought to have considered the petitioner's application which has been pending for more than two decades directly, instead of asking him to apply through online as per the new scheme 2023. Since the impugned order has been passed for the



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reason that the petitioner has not applied through online mode, I feel that the same is liable to be set aside.

11. In view of the above stated reasons, the writ petition is **allowed** and the impugned order of the third respondent in Reg:NITT/Estt/ 2023-24/ dated 01.12.2023 is quashed and the third respondent is directed to consider the application of the petitioner by adopting the conservative method which was in practice prior to the recent 2023 Scheme and pass orders within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

19.06.2024

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

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To
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The Registrar,
National Institute of Technology,
Trichy - 620 015.



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R.N.MANJULA, J.

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