



WEB COPY



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2025

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

W.P.No.3409 of 2025

J.Ashwin

.. Petitioner

Vs.

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George,
Chennai – 600 001.

2. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai – 600 003.

3. The Zonal Officer,
Zone 4,
Greater Chennai Corporation,
No.266, T.H.Highway,
Tondayarpuram, Chennai – 600 021.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Mandamus, to call for the records vide Ma.Aa.4Su.Thu.Na.Ka.No.S2/1008/2022 dated 06.05.2024 on the file of the 3rd respondent and to quash the same as illegal, arbitrary and without jurisdiction and further direct the 2nd respondent to appoint the petitioner on compassionate ground appointment.



WEB COPY



For Petitioner .. Mr.N.Beulah John Selvaraj

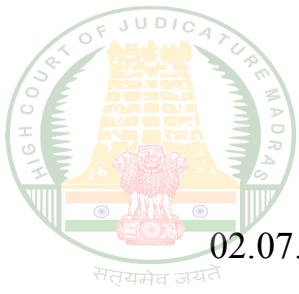
For Respondents .. Mr.C.Selvaraj, AGP for R1

Mr.A.C.Mani Bharathi,
Standing Counsel for R3

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to an order dated 06.05.2024 on the file of the 3rd respondent and to quash the same and direct the 2nd respondent to appoint the petitioner on compassionate ground.

2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner was born on 14.09.2003 to E.Rajkanan and R.Sandhya. His father's brother E.Janakiraman worked under the 3rd respondent as Malaria Desilting employee. He was a bachelor. The said E.Janakiraman had adopted the petitioner on 26.01.2011 by an adoption deed dated 28.08.2017 registered as Document No.210 of 2017 on the file of the Sub-Registrar Office, Periamet. The petitioner claimed that he had been living with his adoptive father. The said E.Janakiraman died on 13.08.2018. The petitioner had also obtained legal heirs certificate dated



02.07.2022. The petitioner then applied for compassionate ground appointment on 24.06.2022.

3.The impugned order came to be passed on 06.05.2024 claiming that the petitioner had not applied within a period of three years. On the date of death of his adoptive father, the petitioner was a minor. The learned counsel for the petitioner also placed reliance on the extraordinary situation which prevailed within this country, particularly from 15.03.2020 till 28.02.2022 when the country was under lock down owing to the Covid-19 Pandemic. The learned counsel pointed out that in Suo Motu Writ petition (C).No.3 of 2020, the Hon'ble Supreme Court had extended the period of limitation.

4.But however, on the side of the respondents, it had been contended that this particular extension of time of limitation was only with respect to the applications made before the judicial / quasi-judicial and such other authorities. It is stated that an application seeking compassionate appointment would not come under the application made before the judicial / quasi-judicial authority and it is stated that an administrative order alone will have to be passed either granting or denying compassionate appointment.



5. But however, the Court widened the scope by stating that any application before any authority during Covid – 19 period will necessarily have to get the benefit of extension in view of the order of the Hon'ble Supreme Court. In this case, the petitioner was a minor. He had no one to make an application on his behalf during that relevant period. He had therefore, immediately after the lifting of the lock down filed an application seeking employment on compassionate ground. There is no denial or dispute over his adoption. He had also produced the legal heir certificate. Therefore, the impugned order is set aside. The respondents may examine the indigent circumstances surrounding the petitioner and whether the petitioner requires assistance by provision of a Government job and if it is so, provide him with an employment on compassionate grounds. A decision in this regard may be taken within a period of six weeks from the date of receipt of a copy of this order.

6. With the above observations, this Writ Petition stands allowed. No costs.

01.04.2025

Index: Yes/No



Internet: Yes/No

smv

WEB COPY

To

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George,
Chennai – 600 001.

2. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai – 600 003.

3. The Zonal Officer,
Zone 4,
Greater Chennai Corporation,
No.266, T.H.Highway,
Tondayarpet, Chennai – 600 021.



WEB COPY

6



C.V.KARTHIKEYAN,J.

smv

W.P.No.3409 of 2025



WEB COPY

7



01.04.2025