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WP No. 6053 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

WP No. 6053 of 2025

B.Prema

Petitioner(s)

W/o.Late Kumar

Vs.

1. The Secretary To Government
Municipal Administration and Water
Supply Department,
Fort St. George, Chennai 600001.

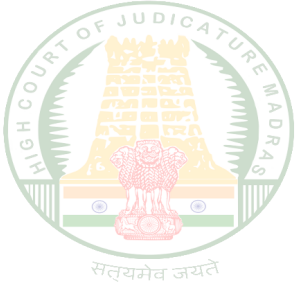
2.The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai 600003.

3.The Zonal Officer,
Zone 9, 4th Cross Street, Lake Area,
Nungambakkam, Chennai 600034.

4.The Medical Officer,
Family Welfare Department,
Greater Chennai Corporation,
Ripon Building, Chennai 600003.

Respondent(s)

PRAYER: This writ petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records vide M.W.Dept.Na.Ka.No. F1/0256/2024 dated 12.09.2024 on the file of the 4th respondent to quash the same as illegal, arbitrary and without jurisdiction and further direct the 2nd respondent to grant compassionate ground appointment to the petitioner.



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For Petitioner(s): Ms.N.Beulah John Selvaraj

For Respondent(s): M/s.C.Selvaraj AGP For R1
M/s.D.B.R.Prabhu Standing
Counsel For R2 to R4

ORDER

The writ petition has been filed in the nature of a certiorarified mandamus seeking records relating to an order dated 12.09.2024 by the fourth respondent/the Medical Officer,Family Welfare Department, Greater Chennai Corporation, Ripon Building, Chennai and to quash the same and direct the second respondent to grant employment on compassionate ground to the petitioner.

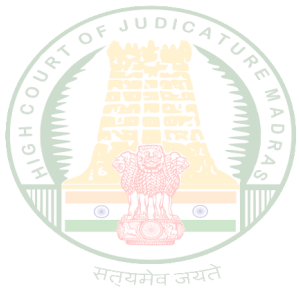
2.In the affidavit filed in support of the writ petition, it had been stated that the mother of the writ petitioner, B. Kupammal was employed as a sweeper under the third respondent. She died on 19.01.2024. It had been stated that the petitioner had been married to one R.Kumar in the year 2006, but no children were born to her and her husband also died on 23.08.2008. Petitioner had studied tenth standard, but had failed in the examination. Petitioner is therefore in extremely indigent circumstances. The sister had been married.



Owing to this sudden death of the mother, the petitioner had sought employment on compassionate appointment by an application dated 05.03.2024. This was rejected on the ground that the petitioner had crossed the age of 40. She was actually aged 40 years and 9 months on the date of the application.

3.The learned counsel for the petitioner however places reliance of the judgment of a learned Single Judge of this Court in *R.Gurumoorthy Vs.The Chairman, Tamil Nadu Electricity Board and Ors. in W.P.No.10262 of 2012 reported in MANU/TN/1122/2023*, wherein, in paragraph No. 14, the learned Single Judge has held as follows;

14. Insofar as contention of the respondent that the petitioner is age barred is concerned, this plea has not been raised neither in the impugned rejection order nor in the counter affidavit filed before this Court. As on the date of filing the writ petition, the petitioner was 32 years and thus, well within the age limit. Even if the petitioner is age barred, the respondent Board has power to relax the age limit. In the case of R.Magudeesweran v. The Chairman, TNEB, W.P.No.11059 of 2011 dated 22.06.2011, this Court



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relaxed the upper age limit and directed the dependent to be provided with compassionate appointment. The Electricity Board, in compliance of the order passed in R.Magudeesweran-s case, issued (Per.)FB TANGEDCO Proceeding No.12, Administrative Branch dated 02.07.2012 released the upper age limit and provided employment assistance by appointing him as Helper Trainee. The said order is applicable to the petitioner-s case as well. Further, the petitioner has also proved that his family is in indigent circumstances by producing the indigent certificate issued by the Tahsildar.

4.In view of the said ratio laid down, the impugned order is set aside and the matter is remitted back to the file of the fourth respondent to re-examine the entire issue in the light of the judgement cited Supra and on the basis of the report of the jurisdictional Tahsildar with respect to the indigent circumstances of the petitioner. If the certificate from the Tahsildar, Poonamallee, had not been obtained, necessary steps may be taken to obtain such a certificate and pass appropriate orders. This exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.



5. The writ petition stands disposed of. No Costs. Consequently,

connected miscellaneous petitions, if any, are also closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

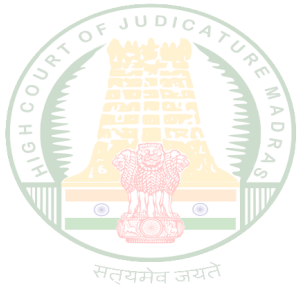
To

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