



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2025

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THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.23241 of 2019

M.Nagoor Mydeen

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Petitioner-

-VS-

1.The State of Tamil Nadu

Rep. by its Principal Secretary to Government

Home Department

Secretariat, Fort St. George

Chennai – 600 009.

2.The Director General of Police

Radhakrishnan Salai

Mylapore, Chennai – 600 004.

3.The Superintendent of Police

Tirunelveli District

Tirunelveli.

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Respondents



Prayer : This writ petition has been filed under Article 226 of the Constitution of India, praying for issuance of writ of mandamus, to direct the respondents to provide appointment the petitioner as Junior Assistant on compassionate appointment as per the order of the State Government in G.O.(D) No.293. Home (Police.XV) Department dated 10.03.2017 with all consequential and other attendant benefits, within a fixed time frame.

For Petitione : Ms.S.Banumathi
For Mr.S.Neduchezhiyan
For respondents : Mr.T.Chezhiyan, AGP

ORDER

This writ petition has been filed seeking writ of mandamus to direct the respondents to provide appointment the petitioner as Junior Assistant on compassionate appointment as per the order of the State Government in G.O.(D) No.293. Home (Police.XV) Department dated 10.03.2017 with all consequential and other attendant benefits, within a fixed time frame.

2. Heard Ms.S.Banumathi, for Mr.S.Neduchezhiyan, learned counsel for the petitioner and Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents and perused the materials placed on record, apart from the pleadings of the parties.

3. The petitioner is the son of the deceased Muthu Fakir Mydeen, who was working as a Head Constable in the Police Department at Tirunelveli District and while he was in service, he died leaving behind his legal heirs.



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4. The deceased Muthu Fakir Mydeen had two sons, viz., the petitioner and his elder brother Syed Abdul Khan. The petitioner's elder brother submitted an application seeking appointment on compassionate grounds to the respondents and that has been submitted within three years from the date of the demise of his father. When the said application was pending the petitioner's brother viz., Syed Abdul Khan had suddenly expired on 12.01.2014 in an accident. As the petitioner has suffered another loss of life, they are grief stricken. The family has driven to further indigent circumstances. Hence, the petitioner, who has attained majority by that time, has filed a fresh application to substitute him in the place of his brother's application for appointment on compassionate ground.

5. As there is a delay of eight years in submitting the application by the petitioner for seeking compassionate appointment in view of the extraneous circumstances, an application has been filed to relax the condition. Accordingly, the Government itself has issued G.O.(D) No.293. Home (Police.XV) Department dated 10.03.2017 by relaxing the time limit and by giving appropriate direction to the second respondent. As the petitioner application for compassionate appointment has not been considered so far, even though the Government has issued an order relaxing the conditions, it is obligatory on the



part of the second respondent to consider the petitioner's application and pass orders in accordance with law and on its own merits.

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6. It is to be noted that the petitioner's family had lost two valid lives. So, it is needless to state that the petitioner and his mother will not have any other support for sustaining their life and hence, the application of the petitioner should be considered empathetically and orders should be passed as early as possible.

7. with this observation, this writ petition is disposed by directing the respondents to consider the application of the petitioner in the light of the earlier G.O.(D) No.293. Home (Police.XV) Department dated 10.03.2017 and also in the light of the above observation within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

23.04.2025

Index : Yes
Internet : Yes/No
Speaking/Non- Speaking
Neutral: Yes/No
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R.N.MANJULA, J.
MAYA

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