

W.P.(MD)No.5677 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2025

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.5677 of 2025
and W.M.P(MD).No.4136 of 2025

S.Sevugamoorthi

... Petitioner

Vs.

1.The Director,
Municipal Administration,
No.75, Urban Administrative Building,
Santhome High Road, M.R.C.Nagar,
Raja Annamalaipuram,
Chennai 600 028.

2.The Commissioner,
Karaikudi Corporation,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order passed by the 2nd respondent vide his proceedings in Na.Ka.No. 2208/2021/H2 dated 20.02.2025 and quash the same and consequently direct the respondents to provide an appointment to the petitioner in any suitable post on compassionate ground.

For Petitioner : Mr.S.Balaji



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For Respondents : Mr.D.Sachikumar (for R1)
Additional Government Pleader

Mr.EP.Venkateshwar
Standing Counsel (for R2)

ORDER

Heard the learned counsel appearing for the petitioner, learned Additional Government Pleader appearing for the first respondent and learned Standing Counsel for the second respondent.

2. This writ petition is filed against the order passed by the second respondent on 20.02.2025, wherein the request of the petitioner, who is being the legal heir of the deceased employee, for providing compassionate appointment in the respondents department has been rejected on the ground that the petitioner has failed to submit application within three years from the date of death of his father.

3. The facts of the case are that the father of the petitioner, namely, M.Chokkan, who is working as Sanitary Worker in the second respondent Corporation, died in harness on 21.11.2006. Before the demise of his father, his mother passed away on 02.07.1999. The petitioner being the minor at the time



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of death of his father, he did not approach the respondent at that time. After completion of 18 years i.e., on 06.07.2019, he submitted an application to the second respondent along with all necessary documents requesting to provide any suitable post in the second respondent Corporation. The said representation was rejected vide impugned order on the ground that it is submitted beyond three years time period. Aggrieved by the same, the present writ petition is filed.

4. The issue in the present writ petition has already been dealt with by this Court and it is clearly covered by the order of the Hon'ble Division Bench of this Court in ***P.Kasthuri Vs., Chief Engineer (Personnel) and another*** in ***W.A(MD).No.792 of 2011 dated 03.12.2015***, wherein this Court directed the respondents therein to make compassionate appointment to the appellant therein, considering the application submitted within the stipulated time by the mother of the appellant. The relevant paragraphs of the said judgment are extracted hereunder:

“7. One more aspect which has to be considered de hors of the Rules is the pathetic condition of the appellant and other children of late Palanivel. After the death of the said Palanivel in 1994, his wife also passed away on 04.08.1996 after applying for compassionate appointment. In fact, the appellant and others have become orphans and they are looked after by their maternal uncle. When such is the pitiable condition, the respondents



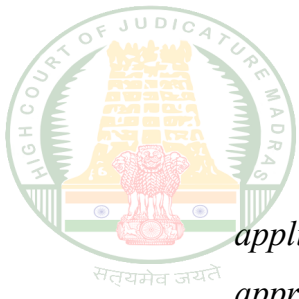
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should have considered the appellant's application for compassionate appointment with compassion.

8. *The learned Single Judge should also have taken into consideration the said aspect. The learned Single Judge, in fact, did not take into consideration the application made by the appellant's mother on 11.01.1996 for compassionate appointment, which was in time. Therefore, the impugned order passed by the second respondent as well as the order of the learned Single Judge are set aside. The respondents are directed to make the compassionate appointment of the appellant on or before 01.04.2016, failing which the respondents shall appear before this Court on 02.04.2016."*

4.1 In addition, in *S.Velraj vs. The Superintendent Engineer and another* in *W.A.(MD).No.1400 of 2011*, a Division Bench of this Court vide its judgment *dated 16.12.2015* held that three years limitation cannot be applied in strait-jacket formula and each and every case has to be approached differently, based on the facts. The relevant paragraph is extracted hereunder:

"3. It is admitted fact that the employee died on 19.03.1992, leaving behind four children and at that time, the appellant is the eldest son, aged about 12 years. If he applied for appointment on compassionate ground at that time, when he was 12 years, his application would have been rejected on the ground that he was a minor and, therefore, on attaining majority, the appellant rightly applied for appointment on compassionate ground. However, taking into consideration the plight of the family and also the young age of the mother and other children, it is a case where appointment on compassionate ground has to be given. Three years limitation cannot be



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applied in strait-jacket formula and each and every case has to be approached differently, based on the facts. Since the eldest son of the family has rightly applied for appointment on compassionate ground, on attaining majority, the respondents have to consider the appellant's application for appointment on compassionate ground. ”

5. The judgment stated supra, are squarely applicable to the present case.

Accordingly, this Writ Petition is allowed with the following directions:

(i) The impugned order passed by the second respondent in Na.Ka.No. 2208/2021/H2, dated 20.02.2025 is hereby quashed.

(ii) The respondents are directed to appoint the petitioner in any suitable post within a period of four weeks from the date of receipt of a copy of this order.

No costs.

Consequently, connected Miscellaneous Petition is closed.

25.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Rmk

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BATTU DEVANAND, J.

Rmk

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