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CMP(MD) NO. 17534 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30-06-2025

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THE HONOURABLE MR JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CMP(MD) NO. 17534 of 2024

IN

REV.APLC(MD) SR NO. 87667 OF 2024

The District Collector
Dindigul District, Dindigul.

Petitioner(s)

Vs

Kalpana
D/o.Karuppusamy, Midapadi Village, Palani Taluk,
Dindigul District.

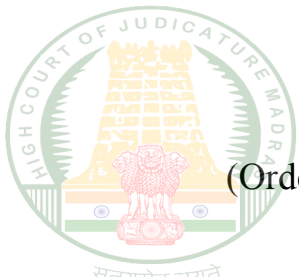
Respondent(s)

Prayer in C.M.P.(MD)No.17534 of 2024: This Civil Miscellaneous Petition is filed under Section 5 of the Limitation Act praying this Court to condone the delay of 380 days in filing the present Review Application against the order dated 01.09.2023 in W.A.(MD)No.634 of 2023.

Prayer in Rev.Aplc(MD)SR.No.87667 of 2024: This Review Application is filed under Order 47 Rule 1 & 2 r/w Section 114 of CPC praying this Court to review the order passed by this Court in W.A.(MD)No.634 of 2023, dated 01.09.2023 and to dismiss the writ appeal.

For Petitioner(s): Mr.N.Satheeshkumar

For Respondent(s): Mr.T.Lenin Kumar



ORDER

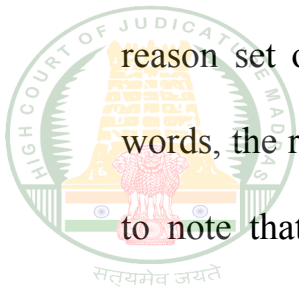
(Order of the Court was made by the Hon'ble **G.R.SWAMINATHAN J.**)

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The District Collector, Dindigul wants us to review the order dated 01.09.2023 made in W.A.(MD)No.634 of 2023. However, the review application was filed with a delay of 380 days.

2. We went through the affidavit filed in support of the condone delay petition. We are not satisfied with the reasons set out therein. No sufficient cause has been made out for condonation of delay. Even on merits, we are of the view that the review applicant has no case. One Karuppasamy who was working as Village Assistant passed away on 06.07.2018. The writ petitioner Kalpana was one of his daughters. It is true that Kalpana had been given in marriage when her father passed away. Unfortunately, Kalpana's husband also died on 14.05.2020. It is also not in dispute that even a married daughter of the deceased employee is eligible for compassionate appointment. The Hon'ble Division Bench while allowing W.A.(MD)No.634 of 2023 took into account all these aspects. The application was made well in time. All the conditions set out in the scheme for compassionate appointment are fulfilled in this case. Looked at from any angle, we will not be justified in condoning the delay.

3. The learned Additional Government Pleader would submit that Karuppasamy was only given special time scale of pay and he was not regularised as a Government servant. But then, this reason was not set out in the order rejecting the request for compassionate appointment. It is well settled that the order will have to be tested on the



reason set out therein and that its scope cannot be subsequently expanded. In words, the reasons cannot be added during the course of writ proceedings. It is relevant to note that this was not urged either before the writ Court or before the Hon'ble Division Bench. The ground now urged by the learned Additional Government Pleader was never projected earlier. This Civil Miscellaneous Petition stands dismissed. The Review Application is also dismissed at the SR stage.

(G.R.SWAMINATHAN J.) (K.RAJASEKAR J.)
30-06-2025

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To

1. Kalpana
D/o.Karuppusamy,
Midapadi Village,
Palani Taluk,
Dindigul District.