



L.P.A.(MD)No.7 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.01.2026

CORAM:

THE HONOURABLE **DR.JUSTICE G. JAYACHANDRAN**
AND
THE HONOURABLE **MR.JUSTICE K.K. RAMAKRISHNAN**

L.P.A.(MD)No.7 of 2025
and
C.M.P.(MD)No.18671 of 2025

1.Vijayalakshmi
Regional Director,
Municipal Administration,
Tirunelveli.

2.Rajeshwaran,
Commissioner,
Kuzhithurai Municipality,
Kuzhithurai,
Kanyakumari District,
Presently working as
The Commissioner,
Ambasamudram Municipality,
Ambasamudram,
Tirunelveli District.

... Appellants

-VS-

Sudha

... Respondent

PRAYER: Letters Patent Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 22.10.2025, passed in Cont.P.(MD) No.3075 of 2024, on the file of this Court.



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For Appellant : Mr.P.Athimoolapandian

For Respondents : Mr.C.M.Mari Chelliah Prabhu

JUDGMENT

(Judgment of the Court was delivered by **DR.G.JAYACHANDRAN, J.**)

The contempt petitioner, namely Sudha sought for compassionate appointment in view of the sudden demise of her father in harness and her application for compassionate appointment was not considered positively by the Commissioner, Kuzhithurai Municipality for the reason that she had crossed 40 years of age on the date of application. While the Rules framed for compassionate appointment prescribe 40 years as upper limit for the children to claim compassionate appointment, the writ petition filed by the respondent herein seeking mandamus to consider the representation was earlier disposed with a direction to consider the representation dated 12.12.2023 and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of that order.



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2. When the representation of the respondent was rejected, stating that the Government had granted exemption under Clause 17 of G.O.(M)No.33, Labour Welfare and Skill Development (Q1) Department, dated 08.03.2023, the writ petitioner has filed contempt petition stating that the earlier communication of the Commissioner was a promise of positive consideration of the representation, but later it has been wrongly rejected. Hence, there is a wilful disobedience. In the contempt proceedings, the learned Single Judge directed the Commissioner to comply with order of the writ Court and report on 05.11.2025 by giving appointment relaxing the age limit in exercise of power under Clause 17 of G.O.(MD)No.33. Being aggrieved, the present Letters Patent Appeal is filed.

3. The learned counsel appearing for the appellants would submit that the Corporation Commissioner is not empowered to give relaxation as per Clause 17 of the Government Order and it is the Government to consider the case of relaxation of age. He further submits that the request of the Commissioner to the Secretary, Municipal Administration and Water Supply Department to consider the request of



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the petitioner for relaxing the age limit had not been positively considered by the Secretary vide his proceedings dated 14.03.2025 and the request for compassionate appointment made by the petitioner was rejected. There is no wilful disobedience of the direction issued by the learned Single Judge.

4.Heard the learned counsel appearing on either side and perused the records.

5.This Court finds that the power to relax the age limit is vested only with the Government and not with the Commissioner of Corporation. Therefore, the direction issued by the learned Single Judge in the contempt proceedings directing the Commissioner to invoke the power under Clause 17 of G.O.(MD)No.33, dated 08.03.2023 to relax the age limit and give appointment to the writ petitioner is contrary to the law established.

6.Accordingly, this Letters Patent Appeal is allowed and the order of the learned Single Judge dated 22.10.2025 in Cont.P.(MD)No. 3075 of 2024 is set aside. The writ petitioner, who is the respondent



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herein is at liberty to challenge the order of the Commissioner before the Government and pray for relaxation of age limit. Consequently, connected miscellaneous petition is closed.

[G.J., J.] & [K.K.R.K., J.]
28.01.2026

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Internet :Yes
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AND
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