
(2013) 06 MAD CK 0071
In the Madras High Court
Case No : Writ Petition No. 28387 of 2012

C. Ragavendran

APPELLANT

Vs

The Principal Secretary and Others

RESPONDENT

Date of Decision : 04-06-2013

Acts Referred:

Citation : (2013) 06 MAD CK 0071

Hon'ble Judges : D. Hariparanthaman, J

Bench : Single Bench

Advocate : R. Dhinesh Kumar, for the Appellant; V. Subbiah, Spl. G.P., for the Respondent

Final Decision : Allowed

Judgement

D. Hariparanthaman, J.—The father of the petitioner was employed as Village Assistant of Kadappasanthampatti Village in Pochampalli

Taluk. He died on 25.7.2007 while he was in service. The petitioner studied upto 10th Standard. He was aged 17 years and 8 months at the time

when he made application to the third respondent, claiming compassionate appointment. Since he did not complete 18 years of age, on the date of

application i.e. on 11.12.2007, his request was rejected by the third respondent vide impugned order, dated 30.12.2011. In these circumstances,

the petitioner has filed this writ petition to quash the aforesaid order, dated 30.12.2011.

2 The third respondent filed counter affidavit refuting the allegations. It is stated that since the petitioner did not complete 18 years of age when he

made application for compassionate appointment, the same was rejected vide impugned order, dated 30.12.2011.

3 Heard both sides. The father of the petitioner was an employee as Village Assistant in Kadappasanthampatti Village, Pochampalli Taluk. He died on 25.7.2007. The date of birth of the petitioner is 10.4.1990. He completes 18 years of age on 9.4.2008. He made application on 11.12.2007 for compassionate appointment. The petitioner could very well make an application within a period of three years from the date of death of his father. He completes 18 years on 9.4.2008 itself. At the time when the impugned order, dated 30.12.2011 was passed, the petitioner already crossed 18 years. It was not the case of the respondents that when they offered employment on compassionate ground, the petitioner did not complete 18 years, therefore, he was not given employment. The third respondent cannot be so technical by rejecting the request of the petitioner, particularly, when the petitioner has attained 18 years on 9.4.2008 before the impugned order was passed. Hence, the impugned order is set aside and direction is issued to the third respondent to provide compassionate appointment to the petitioner, if there is no other impediment. The third respondent is directed to complete the exercise by providing compassionate appointment within a period of 8 weeks. Accordingly, the writ petition is allowed in the above terms. No costs.