

**(2014) 09 MAD CK 0374**  
**In the Madras High Court**  
**Case No : W.P. (MD) No. 375 of 2014**

R. Arulraj

APPELLANT

Vs

The District Collector

RESPONDENT

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**Date of Decision :** 24-09-2014

**Acts Referred:**

**Citation :** (2014) 09 MAD CK 0374

**Hon'ble Judges :** K.K. Sasidharan, J

**Bench :** Single Bench

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## Judgement

K.K. Sasidharan, J.—The application submitted by the petitioner long ago was rejected, after considerable time on the ground that he was a minor as on the date on which request was made for appointment on compassionate ground.

### THE FACTS:

2. The father of the petitioner, by name Ramasamy, was an employee of Revenue Department. He died on 06 January, 2008 while in service. The mother of the petitioner, who is stated to be an illiterate, submitted an application for compassionate appointment on 25 May, 2008. Similar application was made by the petitioner after attaining majority. Since there was a variation in the date as recorded in the Educational Certificates and the Birth Certificate, the respondents wanted certain clarification from the petitioner. The petitioner submitted all the required documents to prove his actual date of birth. The application was, ultimately, rejected by the first respondent. The said order dated 14 November, 2013 as well as the proceedings dated 24 October, 2011 are under challenge in this Writ Petition.

### ANALYSIS:

3. There is no dispute that initially application for compassionate appointment was made by the mother of the petitioner on 25 May, 2008. Even the said application was made only on behalf of the petitioner. It is true that the

petitioner was a minor at that point of time. It is not as if the moment application is given for compassionate appointment, it would be considered by the Government. The Government will take its own time even for processing the application and to offer compassionate appointment. It was only under such circumstances, the mother of the petitioner, who is an illiterate, made an application on 25 May, 2008, requesting to provide employment to the petitioner. The said application was kept pending by the respondents. Subsequently, on attaining majority, the petitioner submitted another application on 27 December, 2010. Even the said application was kept pending by the respondents under one pretext or the other. The proceedings of the first respondent dated 28.05.2010, 24.10.2011 and 25.09.2012 clearly indicate that the respondents have been corresponding with the petitioner, pursuant to his application for compassionate appointment.

4. The application submitted by the petitioner was, ultimately, rejected on the ground that the guidelines issued subsequent to his application prohibits consideration of application of minors for compassionate appointment.

5. The application submitted by the petitioner for compassionate appointment on 27 December, 2010 should be considered, in the light of the application submitted by his mother dated 25 May, 2008. The first respondent kept the application pending till the petitioner attains majority. The petitioner, immediately, on attaining majority, filed another application. It was long thereafter the application was rejected by the first respondent on the ground that as on the date on which the mother made an application the petitioner was a minor. The first respondent appears to have ignored the ground reality. It is the usual practice of the authorities to reject the application on various grounds, like marital status of the applicant, age, etc. In case the applicant is married during the currency of the application, the same would be taken as a ground to reject the application. The authorities are not concerned about their delay in considering the application for compassionate appointment. The subject case very clearly indicates the manner in which application for compassionate appointment is considered by the first respondent. In any case, the first respondent was not correct in rejecting the application for compassionate appointment after considerable period on the sole ground that the petitioner was a minor as on the date on which the first application for compassionate appointment was made. I am, therefore, of the view that the matter requires consideration afresh.

6. In the result, the impugned orders dated 24 October, 2011 and 14 November, 2013 are set aside. The first respondent is directed to consider the application submitted by the petitioner for compassionate appointment afresh on merits and as per law. Such exercise shall be completed, within a period of three months from the date of receipt of a copy of this order.

7. The Writ Petition is allowed as indicated above. No costs.