

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.A.No.1259 of 2015
and
M.P.No.1 of 2015

The Commissioner and Director of
Animal Husbandry &
Veterinary Services,
Block-II, DMS Complex,
Chennai-600 006.

.. Appellant/Respondent

Vs.

M.Govindarajan

.. Respondent/Petitioner

This writ appeal is preferred under Clause 15 of Letters Patent against the order dated 18.02.2014 passed in W.P.No.10439 of 2010 filed under Article 226 of the constitutional of India praying to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned order of the respondent passed in Na.Ka.No.39611/EE2/2007-1 dt.18.08.2009 and to quash the same and consequently directing the respondent to consider the petitioner for employment on compassionate ground and to appoint the petitioner as Livestock Inspector.

For Appellant : Mrs.A.Srijayanthi, Spl.G.P.

For Respondent : Mrs.S.T.P.Kuilmozhi

JUDGMENT

(The Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

The instant appeal is directed against the common order dated 18th February, 2014 passed in W.P.No.10439 of 2010 along with other writ petitions, being W.P.Nos.10436 to 10438 of 2010.

2 The indisputable facts are that the father of the petitioner while working as Live Stock Assistant, died on 17th October, 1989 in harness. The petitioner's mother made an application on 7th August, 1996 after the petitioner attained majority for the grant of

compassionate appointment. The petitioner was informed, vide communication dated 21st June, 2000 about his empanelment in the eligible list of candidates for being considered for appointment on compassionate basis, stating that he was placed at Serial No.216. The petitioner was also directed to send his willingness for attending training for Live Stock Inspector, vide communication dated 20th February, 2006 and was further asked to produce original certificates for verification. Again on 17th October, 2007, the petitioner was noticed that his placement in the empanelment list for compassionate appointment was upgraded at Serial No.4. The petitioner was given hope and expectation of appointment in the Government service. In the meantime, by the impugned communication dated 18th August, 2009, he was informed that his case could not be considered as his application was made beyond the period of three years from the date of the death of his father. The said communication was under challenge in the writ petition.

3 The learned Single Judge came to the conclusion that the application of the petitioner was entertained and also the petitioner was made to wait for appointment as his name was empanelled in the list. It was also recorded that it is true that a person cannot claim compassionate appointment as a matter of right after a long period. However, in the case on hand, when the application of the petitioner's mother was found in time and the same was taken note of for empaneling and verification of the certificates, the said application cannot be rejected on the ground of having been filed belatedly. Accordingly, the petition was allowed with a direction to consider his application on merits for compassionate appointment if found otherwise eligible.

4 We have examined the entire issue from all angles. The same submission was advanced by the learned counsel for the appellant that the application was made beyond the period of three years and as such, the writ petitioner's application was rightly rejected as being belated.

5 There is no quarrel that the grant of appointment on compassionate basis is a facility extended to the dependent family of the employee, who dies in harness, as on account of sudden demise in the office, the penurious condition befalls the surviving dependent members of the deceased employee. The appointment is also based on government policy, which has been held as not in accordance with the constitutional scheme of employment. It is also true that to overcome the indigent circumstances, the immediate relief of grant of compassionate appointment is contemplated, which may not survive after a long period.

6 In the given factual matrix, as aforesaid, when the petitioner was informed that he has been empanelled for appointment on compassionate basis, we do not find any illegality or irregularity in the impugned order rendered by the learned Single Judge. It is

rightly held that the authorities shall consider his application on merits for compassionate appointment, if found otherwise eligible. The rejection of the application on ground of delay was improper and unjustified.

7 Resultantly, the writ appeal stands dismissed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

vvk

To

The Commissioner and Director of
Animal Husbandry & Veterinary Services,
Block-II, DMS Complex,
Chennai-600 006.

+ 1 cc to Ms.S.T.P. Kuilmozhi, Advocate Sr.47034
+ 1 cc to Government Pleader Sr.47340

W.A.No.1259 of 2015

MSM(CO)
EU 01.10.15

सत्यमेव जयते

WEB COPY