



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 08.07.2015
CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.19615 of 2014

Andiappan

..Petitioner

Vs

The District Collector,
Pudukkottai District,
Pudukkottai.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to consider the representation made by the petitioner dated 05.09.2014 for appointment on compassionate ground on the death of his father Avudayappan within a reasonable time and grant such other further relief as this Honourable Court may deem fit in the circumstances of the case.

For Petitioner : Mr.T.Ayhangara Prabhu
For Respondents : Mr.D. Muruganandam
Additional Government Pleader

ORDER

The writ petition has been filed directing the respondent to consider the representation made by the petitioner dated 05.09.2014 for appointment on compassionate ground on the death of his father Avudayappan within a reasonable time and grant such other further relief as this Honourable Court may deem fit in the circumstances of the case.

2. Heard both sides.

3.The case of the petitioner is that the petitioner's father died on 10.03.2009 and that he made an application on 10.01.2014 for compassionate appointment. Since the same was not considered, he made a detailed representation on 05.09.2014 to consider the same for compassionate appointment. Since the same not considered and disposed of, the petitioner has approached this Court with this writ petition.

4.It is an admitted case that on the date of death of his father, the petitioner was studying in College and he stated that he was 21 years. In the affidavit, the petitioner has stated that his present age is 26 years.

5.The Honourable Supreme Court, in a decision Bhawani Prasad Sonkar vs. Union of India and others, reported in 2011 (3) LLN 37 (SC) has held as follows:

"20. Thus while considering a claim for employment on compassionate ground, the following factors have to be borne in

<https://hcservices.reports.gov.in/hcservices/>

(i) Compassionate employment cannot be made in the absence of



Rules of Regulations issued by the Government or a Public Authority. The request is to be considered strictly in accordance with the governing scheme, and no discretion as such is left with any authority to make Compassionate Appointment dehors the Scheme.

(ii) An application for compassionate employment must be preferred without undue delay and has to be considered within a reasonable period of time.

(iii) An appointment on compassionate ground is to meet the sudden crisis occurring in the family on account of the death or medical invalidation of the breadwinner while in service. Therefore, compassionate employment cannot be granted as a matter of course by way of largesse irrespective of the financial condition of the deceased/incapacitated employee's family at the time of his death or incapacity, as the case may be.

(iv) Compassionate employment is permissible only to one of the dependents of the deceased/incapacitated employee viz., Parents, spouse, son or daughter and not to all relatives, and such appointments should be only to the lowest category that is Class III & IV posts."

6. In view of the above decision, it is clear that an application for compassionate appointment should be made within a reasonable time, without undue delay. Admittedly, in this case, the petitioner has not made any application within three years from the date of demise of his father. That apart, there is a delay of 5 years from the date of demise of his father and that the petitioner is aged 26 years now.

7. In these circumstances, the relief sought for by the petitioner, if granted, would amount to allowing him to approach this Court again by way of another round of litigation. Hence, this Court does not want him to do so and the petitioner is not at all entitled to appointment on compassionate grounds.

8. The writ petition is dismissed as devoid of merits. There is no order as to costs.

Sd/-
Assistant Registrar(Per.Admin)

/True Copy/

Sub Assistant Registrar

To
The District Collector,
Pudukkottai District,
Pudukkottai.
+1cc to Special Government Pleader in Sr No.37971/15

W.P(MD)No.19615 of 2014
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