

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2016

CORAM

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

THE HON'BLE Dr.JUSTICE P.DEVADASS

W.A.No.49 of 2016

P.Perumalsamy

.. Appellant

Vs.

The District Elementary Educational Officer,  
Salem District. ... Respondent

This writ appeal is preferred under Clause 15 of Letters Patent against the order dated 27.08.2014 passed in W.P.No.23665 of 2013.

W.P.No.23665 of 2013:- Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records pertaining to the order passed by the respondent in Mu.Mu. NO.313/ A1/2013 dated Nil.02.2013 quash the same and consequently direct the respondents to appoint the petitioner in any suitable post on compassionate grounds within a time limit.

For Appellant : Mr.C.Munusamy

For Respondent : Mr.K.Karthikeyan

JUDGMENT

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

Impugning the order dated Nil February, 2013, the appellant filed the writ petition, seeking to quash the same and to direct the respondent to appoint him in any suitable post on compassionate ground.

2 According to the appellant, on demise of his father, who was working as Secondary Grade Teacher in the Panchayat Union Middle School, Kottakoundan Patti, Omalur Taluk, Salem District, on 11<sup>th</sup> June, 1996, in harness, the mother of the appellant / petitioner made an application dated 4<sup>th</sup> September, 1996, seeking employment to the appellant on compassionate ground, which was not acted upon. Thereafter, one more application was submitted by the appellant himself on 7<sup>th</sup> August, 2007 for appointment on

compassionate ground, which was rejected by the impugned order on the ground that the application, seeking compassionate appointment was not made within three years from the date of the death of the employee, i.e., father of the appellant.

3 The learned Single Judge, examining all documents and facts, came to the conclusion that there is no material produced to establish that the mother of the petitioner made any application for employment within the prescribed period of three years from the date of the death of the employee and as such, it was rightly rejected.

4 The learned counsel appearing for the appellant submits that the application was handed over in person on 4<sup>th</sup> September 1996 within the period of three years. No decision was taken on the said application. The appellant was studying 8<sup>th</sup> standard at the time of death of his father. Subsequently, an application was made by the appellant himself enclosing requisite documents on 7<sup>th</sup> August, 2007 on having attained required qualification and majority. Thus, the impugned order, declining consideration of compassionate appointment on the ground that the application was made belatedly deserves to be quashed.

5 We have heard the learned counsel for the appellant. Except one typed document dated 4<sup>th</sup> September 1996 enclosed herewith, which does not indicate that the same was forwarded to the authorities, no other material has been produced by the appellant to establish that the application was made by the mother well within the time. Besides, when no decision was taken on the said purported application for more than 10 years, the appellant ought to have made enquiry and sought direction as is done in the instant case. The appellant has not produced the latest application, which according to him, was made on 7<sup>th</sup> August, 2007, referring to the earlier application made by his mother and as such, the contention of the appellant that the application was made well within time on earlier occasion by his mother does not merit acceptance. The application made subsequently on 20<sup>th</sup> February, 2007 by the appellant was rightly rejected on the ground that the application was made belatedly beyond the period of three years prescribed under the policy for compassionate appointment.

6 In view of the foregoing, the writ appeal stands dismissed. No costs.

Sd/-  
Asst.Registrar (CS II )

/true copy/

Sub Asst. Registrar

vvk

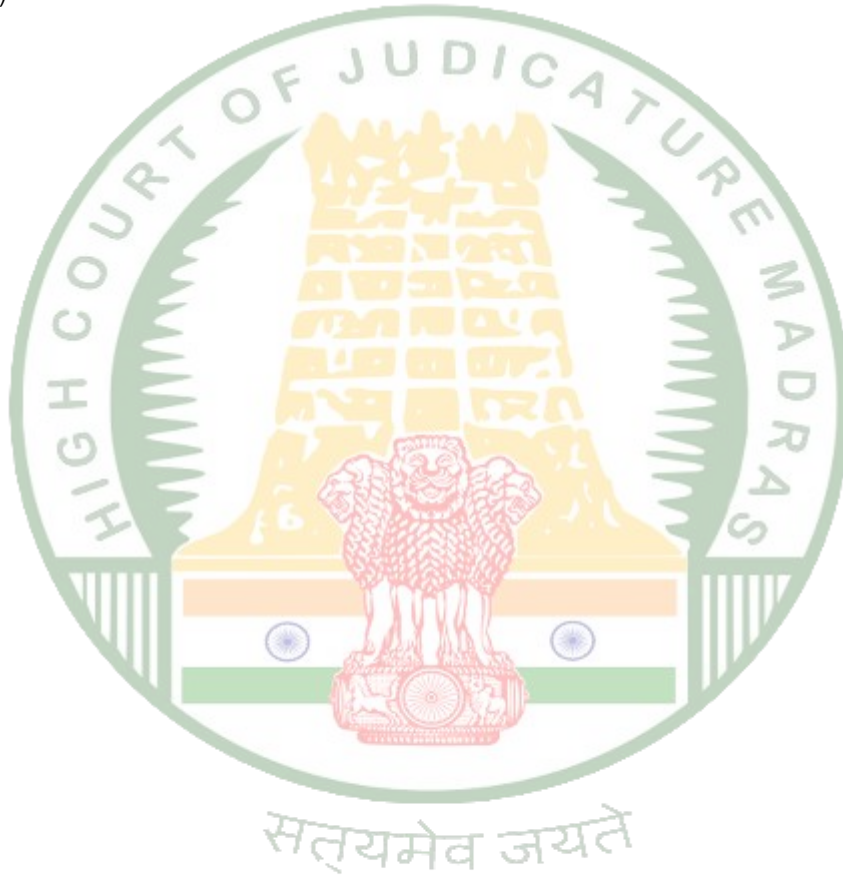
To

The District Elementary Educational Officer,  
Salem District.

1 cc to Mr.C. Munusamy, Advocate, Sr. 2744

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