



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.06.2016**

CORAM :

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO

and

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Appeal (MD) No.1038 of 2016

Rajadurai

...Appellant/Petitioner

-Vs-

1.The Government of Tamil Nadu,
Represented by its Secretary,
Department of Agriculture,
Fort.St.George,
Chennai-9.

2.The Director,
Horticulture and Hill Crops Department,
Chepauk, Chennai-5.

3.The District Collector,
Tiruchirapalli.

... Respondents/Respondents

Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 01.12.2008 made in W.P(MD)No.10930 of 2008.

Prayer in WP(MD). 10930/ 2008:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to given an employment to the petitioner on compassionate ground.

For Appellant : No appearance

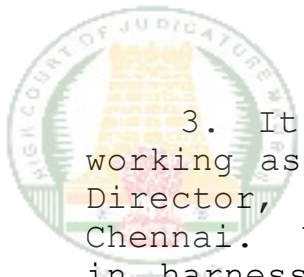
For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader.

JUDGMENT

(Judgment of the Court was delivered by **NOOTY.RAMAMOHANA RAO, J**)

None appears for the appellant.

2. This Writ Appeal is preferred by the writ petitioner against the order dated 01.12.2008 dismissing the writ petition, which in turn has been instituted seeking a direction to the respondents to consider his case for employment on compassionate ground.



3. It appears that the father of the writ petitioner was working as Assistant Agriculture Officer under the control of the Director, Horticulture and Hill Crops Department, Chepauk, Chennai. Unfortunately, he met with untimely death on 02.09.1982, in harness. The writ petitioner submitted an application more than 12 years later and on 02.12.1994, seeking for employment to be provided to him on compassionate ground. Since no such employment has been provided for, the writ petition came to be instituted.

4. The State Government has introduced the scheme of making appointment on compassionate ground for the sole objective of providing a minimum support to the family of the deceased Government servant. The Government, which has extracted useful service from its servant felt morally obliged to rescue the family members, such of those Government servants, who died in harness. As otherwise the image of the Government in the eyes of the public would suffer a dent. But however, providing an employment under the compassionate ground is never construed as an alternative source of recruitment itself. Whereas the normal mode of recruitment to the Government service, is by way of direct recruitment, whereunder the qualified and eligible persons can compete and the best among them would get selected for recruitment. As an exception to this rule, enshrined in Article 16 of the Constitution of India, has been carved out for providing employment on compassionate ground, as, such a requirement would not be a regular affair, but a rarity. But, however, if the family of the deceased Government servant is able to survive, entirely on their own for a long period of more than a decade, it reflects that such family members are capable to fend for themselves without requiring the assistance from the Government. In such circumstances, resort of appointment on compassionate ground cannot be made after a lapse of long period of time.

5. This apart, the father of the writ petitioner died in the year 1982 and the writ petitioner made the application in 1994 and in the year 2008, he filed the writ petition. Even assuming, for the sake of argument that at the time of death of the father, the petitioner being a child of young age and that he could make an application in the year 1994 after attaining the minimum age of 18 years, to secure employment, his further waiting for another 14 years for moving this Court is reflective of lack of genuineness in the claim. Therefore, we are in complete agreement with the conclusion of the learned Single Judge. Therefore, the writ appeal is dismissed. No costs.

Sd/-

Assistant Registrar (Records)

/True copy/



TO

1.The Secretary,
Government of Tamil Nadu,
Department of Agriculture,
Fort.St.George, Chennai-9.

2.The Director,
Horticulture and Hill Crops Department,
Chepauk, Chennai-5.

3.The District Collector,
Tiruchirapalli.

+1 CC to the Special Government Pleader, SR No.34443

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gsr

SH/PEK:20.07.2016:3P/5C