



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2016

CORAM :

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO

and

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Appeal (MD) No.1181 of 2016

Andiappan

...Appellant/Petitioner

-Vs-.

The District Collector,
Pudukkottai District,
Pudukkottai.

... Respondent/Respondent

Prayer : Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 08.07.2015 made in W.P(MD)No.19615 of 2014.

Prayer in WP(MD). 19615/ 2014 :

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 5.9.14 for appointment on compassionate ground on the death of his father Ayudayappan within a reasonable time and grant such other further relief as this Honourable Court may deem fit.

For Appellant : Mr.C.Jeganathan

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

JUDGMENT

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

This Writ Appeal is directed against the judgment rendered on 08.07.2015, in W.P(MD)No.19615 of 2014, dismissing the said writ petition. The writ petitioner has instituted the Writ Petition seeking a direction to the respondent to consider the representation before the respondent on 05.09.2014 for appointment on compassionate ground due to the death of his father.

2. The facts narrated in the affidavit filed in support of the writ petition would reveal that the father of the petitioner/appellant died on 10.03.2009, whereas the representation submitted by the petitioner seeking consideration and appointment on compassionate ground was only on 05.09.2014,



which is more than 5 1/2 years, subsequent to the death of his father.

3. Making appointment on such compassionate basis by the State Government is not one of the modes of recruitment to the public services. Such a measure has been adopted by the State Government as a welfare measure, merely with a view to go to the rescue of the family of employee who died in harness and to provide a semblance of security to the family members. If a family is able to survive for years together, even after the bread winner vanished, in such circumstances, the family cannot be treated as the one facing any undue hardship. Therefore, in such a case, consideration and appointment on compassionate ground cannot be resorted to. The normal mode of recruitment to public services therein, is open to all, who are otherwise eligible and compete with each other and to select the best passes amongst them.

4. Hence, we do not find any infirmity in the order passed by the learned Single Judge, warranting any interference. Accordingly, the writ appeal is dismissed. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

TO

The District Collector,
Pudukkottai District,
Pudukkottai.

+1cc to M/s.T.Ayangaraprabhu, Advocate SR.No.44456

+1cc to Special Government Pleader SR.No.44471

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12.08.2016

gsr

SD/SKS-RR/08.09.2016/2P/4C