



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.03.2016**

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

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W.P(MD)No.4150 of 2016

and

W.M.P(MD)No.3726 of 2016

K.Umadevi ... Petitioner
Vs.

1.The State of Tamilnadu,
Represented by its Principal Secretary,
Department of Public Health and Family Welfare,
Fort St. George, Chennai - 620 009.

2.The Director,
O/o.the Director,
Department of Public Health and Preventive Medicine,
DMS Campus, Thenampet,
Chennai. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Na.Ka.No.93368/Pa.Tho.4/2015/ERU3, dated 02.02.2016 on the file of the respondent No.2 and quash the same as illegal and consequently direct the respondent No.2 and appoint the petitioner for the Post of Junior Assistant or any other Post on compassionate ground within the time stipulated by this Court.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.R.Anandaraj

Government Advocate

ORDER

Mr.R.Anandaraj, learned Government Advocate takes notice for the respondent.

2. The Writ Petition is filed by the petitioner to quash the order in Na.Ka.No.93368/Pa.Tho.4/2015/ERU3, dated 02.02.2016, passed by the second respondent and to give employment to her on compassionate grounds.

3. The case of the petitioner is that her mother namely C.M.Chandra was working as Sector Health Nurse in Primary Health Centre at A.Mukkulam in Virudhunagar District and she died in a road accident on 16.06.2007 while she was in service. The petitioner claims to have completed her B.A., in Tamil in the year



2011 and with the said qualification, she had approached the second respondent in person and made a representation to consider her for any Post in the Department of Public Health and Preventive Medicine on compassionate grounds.

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4. Though the petitioner claims to have made representations, there is no evidence to show that she had actually made representations earlier. But, the only representation enclosed in the typed set of papers is made on 05.10.2015. As the said representation was not considered, earlier, the petitioner filed W.P(MD)No.20200 of 2015 seeking a direction to the second respondent to consider her representation, dated 05.10.2015 and that Writ Petition was disposed of granting eight weeks time to the second respondent to consider the claim of the petitioner. While so, the impugned order came to be passed on 02.02.2016 rejecting the claim of the petitioner on the ground that the application itself is made belatedly after eight years from the date of death of the employee. Challenging the said order, the petitioner has come forward with the present Writ Petition

5. Though the Honourable Apex Court has held that compassionate appointment cannot be rejected on mere technicalities, when it is mandatory to apply for the same within a period of three years from the date of death of the person employed, the petitioner has made representation after eight years and the same was rightly rejected by the second respondent and hence, there is no reason to interfere with the same.

In the result, the Writ Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P & A)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Secretary, State of Tamilnadu,
Department of Public Health and Family Welfare,
Fort St.George, Chennai - 620009.

2.The Director, O/o.the Director,
Department of Public Health and Preventive Medicine,
DMS Campus, Thenampet, Chennai.

+1cc to Spl.Government Pleader Sr.No. 11821

+1cc to Mr.T.Lajapathi Roy, Advocate Sr.No.11795

pm

AA/SKS-RR/09.03.2016/2p-5c

W.P(MD)No.4150 of 2016

01.03.2016