

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1489 of 2017

P.Vignesh

Appellant

Versus

- 1 The Director of Elementary Education
DPI Complex College Road
Nungambakkam Chennai-600 006
- 2 The District Elementary Education Officer
Office of the District Elementary Education officer
Kancheepuram-631 501
- 3 The Assistant Elementary Education Officer
Office of the Assistant Elementary Education Officer
Madurandhakam Kancheepuram Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 21.8.2017 passed in W.P.No.993 of 2016 on the file of this court.

Prayer in WP.NO.933 OF 2016

Writ Petition filed under Article 226 of the Constitution of India Praying for Issuance of Writ of Certiorarified Mandamus to call for the records of the first respondent in Na.Ka.No. 27492/T3/2015 Dated 04.11.2015 quash the same as illegal and unlawful and direct 2nd respondent to provide employment to petitioner

For appellant : Mr.C.B.Muralikrishnan

For respondents : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader
RR 1 TO 3

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mr.P.S.Sivashanmugasundaram, learned Special Government, who takes notice on behalf of the respondents.

2. It is the case of compassionate appointment sought for by the appellant on the death of his mother. The application seems to have been filed in the year 2014 whereas the mother of the appellant died in the year 1997 and at that time, the appellant was a one year child. Of course the pathetic position of the appellant was that his father also passed away on the very next day of the appellant's mother. In the circumstances, having failed in the writ petition, the appellant is before us.

3. The learned counsel appearing for the appellant has vehemently argued that the appellant, when he was one year child lost both his parents and since he was a minor by that time, he could not apply for appointment on compassionate ground and hence, he seeks indulgence of this court.

4. On going through the materials placed before us and the order passed by the learned Single Judge, we find that the learned Single Judge has thoroughly gone into the scope of the appointments on compassionate grounds in the light of the judgments of the Apex Court in the case of HARYANA STATE ELECTRICITY BOARD AND ANOTHER v. HAKIM SINGH (1997 (8) SCC 85) wherein, the rejection of application seeking compassionate grounds which came to be filed after four years on the ground that at the time of death of the father of the applicant, was only four years, was held to be appropriate; and also in the case of SANJAY KUMAR v. THE STATE OF BIHAR AND OTHERS (2000 (7) SCC 192), wherein the petitioner had originally filed an application seeking appointment on compassionate grounds on the death of his mother, but, by that time he was 10 years old and his application came to be rejected and the subsequent application filed by him after his attaining the age of majority was also rejected and such a view was upheld by the Apex Court holding that the compassionate appointment is intended to enable the family of the deceased employee to tide over sudden crisis resulting due to death of the bread winner who had left the family in penury and without any means of livelihood.

5. The learned Single Judge, by observing the manner in which the petitioner had pursued the matter viz., filing of the application seeking appointment on compassionate ground in the case on hand was filed in the year 2014 when the Government employee died in the year 1997 itself, has held that the case of the appellant deserves no further consideration.

6. In view of the above, we do not find any better reason to entertain the application seeking appointment on compassionate ground. We do agree with the view of the learned Single Judge and we feel that sympathy which is supposed to be shown to a person who is in a destitute condition should not be misused to take a lenient view in the matter. Accordingly, the writ appeal is dismissed while confirming the order passed by the learned Single Judge. No costs.

Sd/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

ssk.

To:

- 1 The Director of Elementary Education
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- 3 The Assistant Elementary Education Officer
Office of the Assistant Elementary Education Officer
Madurandhakam Kancheepuram

+ 2 cc to M/s.S.Premakumari, Advocate, SR.84054

+ 1 cc to The Govt.Pleader, SR.84252

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