

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.A.No.609 of 2015

1. The Director of School Education
D.P.I.Campus
Chennai 600 006
2. The Chief Educational Officer
Vellore, Vellore District
3. The District Educational Officer
Vellore, Vellore District ... Appellants/Respondents

-vs-

K.Sudhakar ... Respondent/Petitioner

Appeal under Clause 15 of the Letters Patent, against the order dated 10.04.2014 made in W.P.No.26605 of 2013.
WP.26605/13:Filed under Article 226 of the Constitution of India to issue writ order or directions more particularly in the nature of Writ of Certiorarified Mandamus to call for the records of the impugned Order in Na.Ka.No.101825/J1/2011 dated 30.7.2013 passed by the first respondent and quash the same and consequently direct the respondents to provide employment to the petitioner on compassionate ground.

For Appellants :: Mr.R.Prathapkumar
Additional Government Pleader

For Respondent :: Mr.M.Rajendiran

JUDGMENT

(Judgment of the Court was made by G.JAYACHANDRAN, J.)

This writ appeal is directed against the order of the learned single Judge, who has directed the appellants to provide employment to the respondent/writ petitioner on compassionate ground.

2. The factual matrix of the case is that one Kuppusamy, employed in the appellant-Department, died in the year 1998 leaving behind his wife and two adult sons. At the time of his death, the elder son Elangovan was already employed in the Police department. While so, the younger son Sudhakar, who is the respondent herein, seeks appointment on the ground of compassion. Though the Department has rejected his claim saying that the family was not living in harness after the demise of the Government employee, the learned single Judge has taken a sympathetic view that subsequent to the death of the father, the elder son had married and set up separate family, therefore, the family of the deceased Government employee is living in harness. In support of the said conclusion, some of the judgments have also been relied upon.

3. However, we find that while considering the request for compassionate appointment, two cardinal principles should be followed and borne in mind. The first thing is that the family of the deceased Government employee should be living in harness and they must be in need of financial support. Secondly, the claim of appointment on compassionate ground is not a hereditary right. Public office is not meant for perpetual occupation by the families of deceased on hereditary basis. Here is a case where, on facts, it is seen that Kuppusamy's family was not in harness even on the date of his death. The respondent herein, who was adult even at that point of time, has to seek his livelihood independently based on his merit and he cannot harp on the death of his father and get a back door entry into Government service. The subsequent event of marriage of the elder son of Kuppusamy and separate family will not help the case of the respondent herein, since these are not relevant for considering the application for compassionate appointment. For all these reasons, we find the order passed by the learned single Judge is erroneous and liable to be interfered with. Accordingly, the impugned order is set aside and the writ appeal stands allowed. Consequently, M.P.No.1 of 2015 is closed. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

ss

To

1. The Director of School Education
D.P.I.Campus
Chennai 600 006

2. The Chief Educational Officer
Vellore, Vellore District

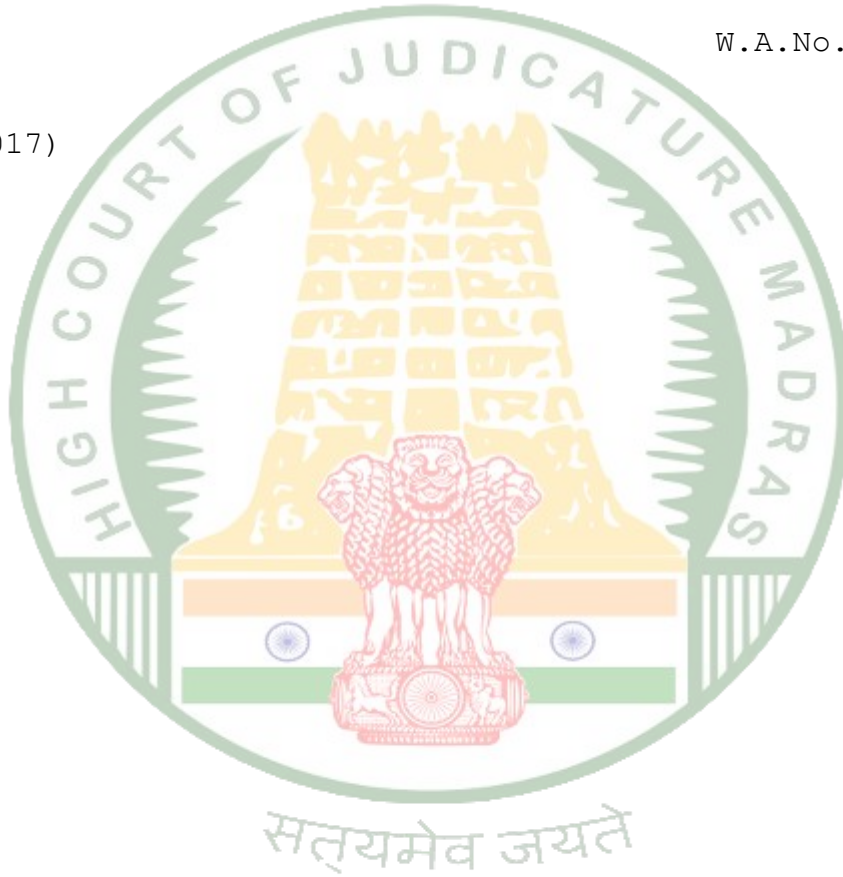
3. The District Educational Officer
Vellore, Vellore District

+1cc to Government Pleader sr.56859

+1cc to Mr.M.Rajendiran,Advocate sr.57395

W.A.No.609 of 2015

pvs (co)
ss (31/8/2017)



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