

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.10.2017

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.586 of 2014

M.Hari Govindan

..

Petitioner

vs

The Managing Director,
Vellore Cooperative Sugar Mills Limited,
Ammundi,
Vellore Sugar Mills Post,
Pin Code-632 519,
Vellore District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records which culminated in issuing the order in Letter Rc.No.581/2013/A1 dated 17.07.2013 on the file of the respondent, quash the same and consequently directing the respondent to appoint the petitioner in any suitable post on compassionate grounds in the respondent Sugar Mill.

For Petitioner : Mr.S.Mani

For Respondents : Mr.R.Gophinath

ORDER

An order of rejection dated 17.07.2013, in respect of the claim of the writ petitioner for compassionate appointment is under challenge in this writ petition.

2. The learned counsel appearing for the writ petitioner made a submission that the father of the writ petitioner was employed as Junior Clerk in the respondent/Sugar Mill and passed away on 31.10.2001 while in service. The mother of the writ petitioner immediately submitted an application seeking compassionate appointment on 19.04.2002. Considering the same, the respondent provided appointment to the writ petitioner on daily wage basis. The writ petitioner joined as daily wages employee and continuing in service for the past about fourteen years and the learned counsel for the writ petitioner submits that the writ petitioner submitted his representation to provide appointment in a permanent post on compassionate ground in letter dated 10.04.2013. The application of the petitioner was considered by the respondent and the same was rejected on the ground that the date of superannuation of the deceased employee falls on 31.03.2008 and now after a lapse of about sixteen years

from the date of death of the deceased employee, the scheme of compassionate appointment cannot be provided to the writ petitioner.

3. However, this Court has to consider the fact that the father of the writ petitioner passed away on 31.10.2001 and the writ petitioner was appointed as daily wage employee in the year 2003 and continuing in that capacity till today. Thus, the indigent circumstances aroused on account of the sudden demise of the father of the writ petitioner was considered by the respondent and he was engaged as daily wage employee and now after a lapse of about sixteen years from the date of death of the deceased employee, this Court cannot consider the same for issuing any direction to grant permanent appointment to the writ petitioner. It is left open to the writ petitioner to participate in the open competitive process and secure permanent employment, in accordance with the recruitment rules in force.

4. Appointment cannot be secured by way of special scheme which is otherwise a concession. In the case on hand, a concession has been provided by engaging the writ petitioner as daily wage employee and therefore, the penurious circumstances arise on account of death of bread

winner of the family was neutralized. Thus, any further appointment or development of the carrier of the person to be secured only on merits and in accordance with the rules in force. This being the concept and legal principles to be followed.

5. Thus, this Court is not inclined to consider the case of writ petition for grant of relief in relation to the permanent appointment has claimed in this writ petition. Accordingly, stands dismissed.

27.10.2017

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To

The Managing Director,
Vellore Cooperative Sugar Mills Limited,
Ammundi,
Vellore Sugar Mills Post,
Pin Code-632 519,
Vellore District.

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S.M.SUBRAMANIAM.,J

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