

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2017

CORAM

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

W.P.No.3603 of 2014

G.Anandan

... Petitioner

Vs.

1.The Director of Medical and Rural
Health Service,
Chennai - 6.

2.The Joint Director of Medical and Rural
Health Services and Family Welfare,
Villupuram.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the proceedings of the second respondent herein dated 27.09.2013 in Na.Ka.No.4599/P2/2013 and quash the same consequently direct the respondents herein to appoint the petitioner herein in the department in any one of the appropriate post under Compassionate appointment.

For Petitioner : Mr.R.Nalliyappan

For R1 & R2 : Mr.R.Vijayakumar
Additional Government Pleader

सत्यमेव जयते

O R D E R

The relief sought for in this writ petition is to call for the records of the proceedings of the second respondent dated 27.09.2013 in Na.Ka.No.4599/P2/2013 and quash the same and consequently direct the respondents to appoint the petitioner in any one of the appropriate post under Compassionate appointment.

2.The learned counsel appearing for the writ petitioner fairly made a submission that the deceased employee was not a permanent employee of the respondents and her services were not regularized. However, the deceased employee was working on

temporary basis on consolidated pay. This being the factum of the case, the question of extending the scheme of compassionate appointment to the consolidated employee is not permissible. The scheme of compassionate appointment is to be provided for the permanent employees of the respondent Department and the same is not extended to the temporary employees. Such being the factum of the case, there is no irregularity or infirmity in not considering the case of the writ petitioner under the scheme of compassionate appointment.

3.Further, the wife of the writ petitioner was working on contract basis and passed on 03.05.2013, while she was in service. Thus, this Court is not inclined to extend the scope of the scheme of compassionate appointment. The scheme of compassionate appointment is not being a right and it is a concession. This Court cannot enlarge the scope of the scheme so as to provide an appointment in favour of the writ petitioner. Thus, no further adjudication is required on the ground raised in this writ petition.

4.Accordingly, the Writ Petition stands dismissed. However, there is no order as to costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ah

To

1.The Director of Medical and Rural
Health Service,
Chennai - 6.

2.The Joint Director of Medical and Rural
Health Services and Family Welfare,
Villupuram.

+1cc to Mr.R.Nalliyappan, Advocate, S.R.No.76873

+1cc to the Government Pleader, S.R.No.77175

W.P.No.3603 of 2014

RRK(14/12/2017)