

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.7.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Writ Appeal No.2886 of 2012

G.Balakrishnan .. Appellant/Petitioner

Vs.

1. The State of Tamil Nadu
rep. by its Collector
Vellore District
District.

2. The Tahsildar
Walajah
Vellore District.

.. Respondents

Appeal under Clause 15 of the Letters Patent directed
against the order dated 26.11.2012 made in W.P.No.23300 of 2012.

WP.NO.23300 OF 2012:

This writ petition filed under Article 226 of the Constitution
of India praying for the issue of a writ of certiorarified
mandamus to call for the records pertaining to the impugned
order O.Mu.(a5)24090/2012, dated 31.7.2012 of the first
respondent and quash the same, thereby directing the respondents
to appoint the petitioner as Village Assistant on compassionate
ground within a time frame fixed by the court.

For Appellant : Mr.C.Jagadish

For Respondents: Mr.R.Prathapkumar, Addl.G.P.

J U D G M E N T

(Delivered by Huluvadi G.Ramesh,J)

This appeal is directed against the order dated 26.11.2012
made in W.P.No.23300 of 2012.

2. It appears that the father of the appellant, while in service, died on 06.8.1995. Therefore, the appellant sought appointment on compassionate ground. The request of the appellant was rejected by the first respondent on the ground that the request was made after a period of three years. The said order has been challenged in the writ petition. The learned single Judge holding that the appellant had not applied within the stipulated period, dismissed the writ petition. Hence, the above appeal.

3. Heard the learned counsel appearing for the appellant and the learned Additional Government Pleader appearing for the respondents.

4. Though the learned counsel for the appellant contended that the appellant was making repeated representations seeking appointment and that the respondents did not consider the same, he could not produce a copy of the application made by the appellant made at the earliest point of time. Even from a perusal of the typed set of papers, we are unable to find out the date on which the appellant had applied for appointment. However, from a reading of the order impugned in the writ petition, it is clear that since the appellant had made his application belatedly, the first respondent has rejected it.

5. The purpose of appointment on compassionate ground is to provide immediate relief to the family of the deceased employee and it is on humanitarian grounds. Further, a period of three years has been stipulated for making an application for appointment on compassionate ground. In the case on hand, the appellant appeared to have applied for appointment only after three years and therefore, we are of the considered view that the learned single Judge has rightly dismissed the writ petition.

6. In view of the above, this writ appeal is dismissed. However, there shall be no order as to costs. Consequently, M.P.No.1 of 2012 is also dismissed.

Sd/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

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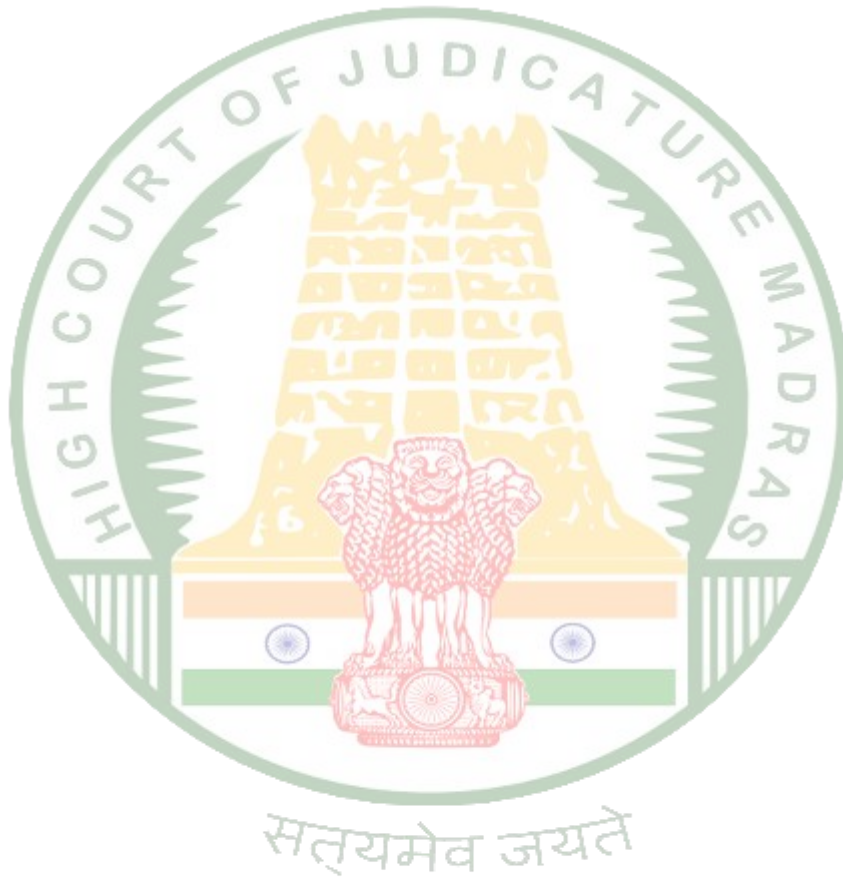
1. The Collector
Vellore District
District.

2. The Tahsildar
Walajah
Vellore District.

+ 1 cc to M/s.C.Jagadish, Advocate, SR.52206
+ 1 cc to The Govt.Pleader, SR.52750

W.A.No.2886 of 2012.

RR(CO)
NR 10/08/2017



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