

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.11.2017

CORAM

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P.No.14331 of 2007
in
O.A.No.3657 of 2003 (T)

S.Arumugam

... Petitioner

Vs.

1. State of Tamil Nadu,
Rep. By its Secretary to Government,
Home Department,
Fort St. George, Chennai - 600 009.
2. The Director General of Police,
Chennai - 600 004.
3. The Superintendent of Police,
Tirunelveli.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order in Na.Ka.No.244578/DPP 2(2).98 dated 18.02.1999 on the file of the second respondent, quash the same and direct the second respondent to appoint the petitioner on compassionate grounds as Constable or Junior Assistant in Government service.

For Petitioner : Mr.S.Sadasivam

For Respondents : Mr.S.Gunasekaran
Additional Government Pleader

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ORDER

This writ petition is filed seeking for the following relief:

to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order in Na.Ka.No.244578/DPP-2(2)/98 dated 18.02.1999 on the

file of the 2nd respondent, quash the same and direct the 2nd respondent to appoint the petitioner on compassionate grounds as Constable or Junior Assistant in Government service.

2.The case of the petitioner was that his father while working as a Head Constable died in service on 18.02.1974. He was survived by the petitioner and his mother and two other sons and a daughter. According to the petitioner, he was only 10 years old at the time when his father had died. Therefore, after attaining the age of majority, he had applied for compassionate appointment. According to him, his application was not considered till date and after delay of several years, he approached the then Tamil Nadu Administrative Tribunal in the year 2003 in O.A.No.3657 of 2003. At the time when he approached the Tribunal, admittedly, he was 39 years old. The said Original Application stood transferred to this Court and renumbered as W.P.No.14331 of 2007, in view of the abolition of the Tribunal.

3.The learned counsel appearing for the petitioner would submit that the authority did not consider his claim for compassionate appointment in time and the delay was entirely to be attributable to the Department. However, it has to be seen that whoever was responsible for the delay, ultimately, the petitioner had approached the Tribunal only when he was 39 years old i.e. after the delay of more than 20 years from the date of his attainment of majority, that by itself is a ground to deny the benefit sought for by the petitioner. However, the said application has been admitted and stood transferred to this Court.

4.From the date of Original Application and till now, the petitioner has further aged and he is now around 55/56 years old, although the learned counsel for the petitioner attempted to argue the case, however, the fact remains the petitioner, having reached the age of 55/56 years now, cannot expect from this Court to grant any relief as prayed for in the Original Application. Even otherwise, from the facts, it has to be seen that the petitioner had slept over his right for inordinate delay of more than 20 years and that by itself of a fact which should be held against him.

5.As held by various decisions of this Court that the compassionate appointment is only Scheme providing immediate assistance to the family concerned and such appointment cannot be considered after such a long distance of time. Therefore, this

Court finds no merit in the Writ Petition and therefore, the same is dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

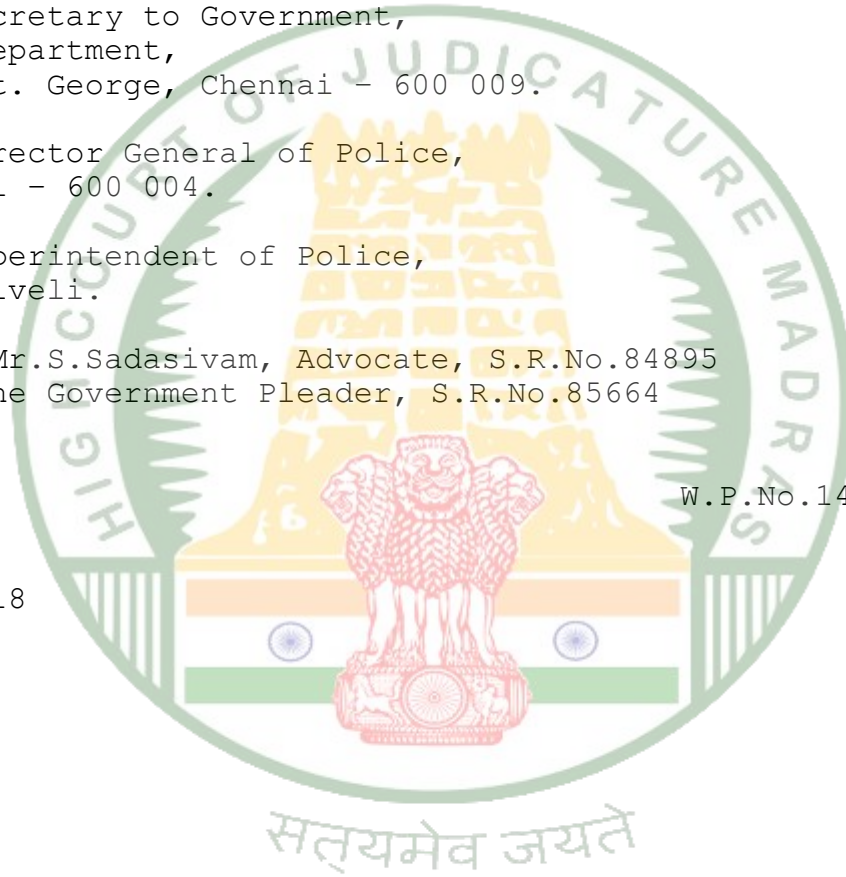
Sgl
To

1. The Secretary to Government,
Home Department,
Fort St. George, Chennai - 600 009.
2. The Director General of Police,
Chennai - 600 004.
3. The Superintendent of Police,
Tirunelveli.

+2ccs to Mr.S.Sadasivam, Advocate, S.R.No.84895
+1cc to the Government Pleader, S.R.No.85664

W.P.No.14331 of 2007

ssv(co)
cs/18/01/18



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