

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.08.2017

CORAM

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

W.P.No.41442 of 2016

M.Jagadeesan

..Petitioner

Vs

The Deputy Inspector General of Police
Central Reserve Police Force
Avadi, Chennai.

.. Respondent

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to consider and pass orders on the petitioner's representation dated 17.08.2016 to conduct medical examination for compassionate appointment.

For Petitioner : Mr.P.Kannan Kumar for
Mr.K.Anbarasan

For Respondent : Mr.S.Makesh
ACGSC

O R D E R

The relief sought for in this writ petition is for a direction, to direct the respondent to consider the representation submitted by the writ petitioner on 17.08.2016 and pass orders with regard to his claim for compassionate appointment. The father of the writ petitioner was working as CT/GD category staff in the respondent department and died on 19.04.1988, while he was in service.

2.However, no Application was submitted seeking for compassionate appointment within a reasonable period of three years by the legal heirs of the deceased employee and the Application seeking for compassionate appointment was filed on 26.11.2012 by the writ petitioner, after a lapse of 24 years from the death of the deceased employee. Now, the learned counsel for the writ petitioner made a submission that once again a representation was submitted by the writ petitioner on 17.08.2016, and the same is to be considered by the respondent.

3.The writ petitioner cannot be allowed to create a new cause of action based on the fresh representation submitted after a lapse of three decades and by filing this writ petition under Article 226 of the Constitution of India. The cause of action cannot be created by the litigants and the writ petitions have to be filed in time and immediately after the infringement, of their legal right under the law. Seeking compassionate appointment by the legal heirs of the deceased employee, who died in the year 1988, cannot be provided by this Court, now, after a lapse of about 28 years. The writ petition itself is mis-conceived and the representation is given on 17.08.2016, only with a view to create a new cause of action, so as to continue the legal process in one way or the other. Such an attitude of the writ petitioner is deprecated and the claim regarding this nature cannot be entertained by this Court under Article 226 of the Constitution of India. Even, with regard to the legal principles of compassionate appointment, this Court has time and again held that belated claim of compassionate appointment can never be entertained through the writ petition and in the case on hand, it is a lapse of about three decades and the question of considering the indigent circumstances of the family of the writ petitioner nor providing any appointment on compassionate ground does not arises.

4.In this view of the matter, no further adjudication is required on the grounds raised in this writ petition. Accordingly, the Writ Petition stands dismissed. However no order as to costs.

-s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

सत्यमेव जयते

dna
To

The Deputy Inspector General of Police
Central Reserve Police Force
Avadi, Chennai.

+1 Cc to Mr.K. Anbarasan, Advocate sr 63268.
+1 Cc to Mr.S.Mahesh, ACGSC, sr 62765.

W.P.No. 41442 of 2016

SK(CO)
sp(28/09/2017)