



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.11064 of 2015

S.Arockia Selvi

... Petitioner

vs.

1)The Senior Regional Manager,  
Tamil Nadu Civil Supplies Corporation,  
Madurai Region,  
Madurai.

2)The Chairman,  
Tamil Nadu Civil Supplies Corporation,  
No.12, Thambusamy Road,  
Kilpauk,  
Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the 1<sup>st</sup> respondent relating to the impugned order in Na.Ka.No.E2/9280/12 dated 14.01.2015 and quash the same and consequently directing the respondents to consider and appoint the petitioner on compassionate basis in any suitable regular post within the time frame fixed by this Hon'ble Court.

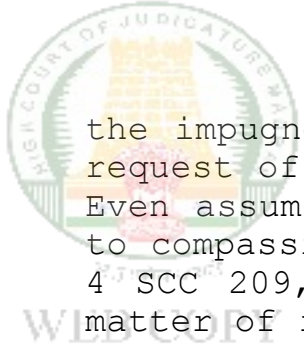
For Petitioner : Mr.K.Muthumalai

For R1 & R2 : Mr.P.Seetharaman

ORDER

Challenging the order dated 14.01.2015 passed by the 1<sup>st</sup> respondent rejecting the request of the petitioner for appointment on compassionate grounds, the petitioner has filed this writ petition to quash the same with a consequential direction to the respondents to consider and appoint her on compassionate basis in any suitable regular post within a time frame to be fixed by this Court.

2.Admittedly, the petitioner's husband joined the service as Seasonal Watchman in the respondent Corporation on 04.02.2011 and he has rendered service between 01.07.2011 and 01.11.2012 and died on 02.11.2012. He was on probation and his services were not regularised. Since the petitioner's husband had not completed probation, he was not treated as a regular employee and therefore,



the impugned order dated 14.01.2015 has been passed rejecting the request of the petitioner for employment on compassionate grounds. Even assuming that the legal heirs of the probationer is entitled to compassionate appointment, in view of the judgment in in (2011) 4 SCC 209, the compassionate appointment cannot be claimed as a matter of right.

3. At this juncture, it is relevant to point out paragraph No.20 of a decision reported in **(2011) 4 SCC 209, Bhawani Prasad Sonkar vs. Union of India and others**, wherein the Hon'ble Apex Court has held as follows:-

"20. Thus while considering a claim for employment on compassionate ground, the following factors have to be borne in mind:

(i) Compassionate employment cannot be made in the absence of rules of regulations issued by the Government or a public authority. The request is to be considered strictly in accordance with the governing scheme, and no discretion as such is left with any authority to make compassionate appointment dehors the scheme.

(ii) An application for compassionate employment must be preferred without undue delay and has to be considered within a reasonable period of time.

(iii) An appointment on compassionate ground is to meet the sudden crisis occurring in the family on account of the death or medical invalidation of the breadwinner while in service. Therefore, compassionate employment cannot be granted as a matter of course by way of largesse irrespective of the financial condition of the deceased/incapacitated employee's family at the time of his death or incapacity, as the case may be.

(iv) Compassionate employment is permissible only to one of the dependants of the deceased/incapacitated employee viz. Parents, spouse, son or daughter and not to all relatives, and such appointments should be only to the lowest category that is Class III and IV posts."

4. In view of the above, I find no merit in this writ petition. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar



To

1) The Senior Regional Manager,  
Tamil Nadu Civil Supplies Corporation,  
Madurai Region,  
Madurai.

2) The Chairman,  
Tamil Nadu Civil Supplies Corporation,  
No.12, Thambusamy Road,  
Kilpauk,  
Chennai.

+1cc to Mr.K.Muthumalai Advocate Sr.No. 3815

JAM/02.02.17/RR-BS/ 3p-4c

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20.01.2017