



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2017

CORAM :

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD) No.17870 of 2014

and

M.P.(MD) No.1 of 2014

WEB COPY

B.D.Balaji,

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by it's Joint Secretary,
Revenue Department,
Fort St. George, Chennai - 600 003.

2. The District Collector,
Madurai District,
Madurai.

... 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 pertaining to the impugned orders passed by the 2nd respondent in Na.Ka.No.17716/2012/Pa.A.3, dated 31.01.2013 and the 1st respondent in Letter No.50272/Pani9(1)/06-1, dated 24.01.2007, quash the same and to direct the respondents to give compassionate appointment to the petitioner.

For Petitioner

:Mr.R.Subramanian

For Respondents

:Mr.N.S.Karthikeyan,

Additional Government Pleader

ORDER

This Writ Petition is filed by the petitioner, challenging the order of the second respondent dated 31.01.2013, by which the application of the petitioner for appointment on compassionate ground was rejected.

2. The petitioner submitted that his father was working as Assistant in the Revenue Department, and he died on 05.02.1983, while he was in service. However, the petitioner filed an application seeking appointment on compassionate ground only on 24.02.2006. This application was rejected by the second respondent only on the ground that the application has been filed beyond the period of three years, and the petitioner has not given any explanation for the delay.

3. It has been well settled now that the appointment on compassionate ground is not a new source of recruitment, but an exception to the general rule which is to get over the sudden financial crisis due to the death of sole bread winner. When such



appointment is made on compassionate ground, there should be strict adherence to the rules, which permits the employer to make such appointment.

4. In this case, admittedly the application was filed nearly after 15 years from the date of the death of the employee. Such application is not maintainable and the petitioner has no legal right to seek appointment.

5. The learned Counsel for the petitioner relied upon a judgment of the learned Single Judge of this Court in the case of **B.Arun Kumar v. Secretary to the Government of Tamilnadu, Small Industries Department, Chennai and others** reported in (2011) 8 MLJ 457, wherein, the learned Single Judge of this Court has held that, no limitation was prescribed before 26.06.1995. Hence it was submitted that if the Government servant died prior to 26.06.1995, no limitation can be applied to provide the compassionate appointment. However, in that case, the application was submitted within three years, from the date of 26.06.1995. But in this case the application for compassionate appointment was filed only on 24.02.2006. At least the application should have been filed within three years from 26.06.1995.

6. Hence, this Writ Petition is dismissed. Consequently, the connected M.P.(MD) No.1 of 2014 is closed. No costs.

Sd/-

Assistant Registrar (Crl.Side)

/True copy/

Sub Assistant Registrar

To:

1. The Joint Secretary,
Government of Tamil Nadu,
Revenue Department,
Fort St. George, Chennai - 600 003.

2. The District Collector,
Madurai District, Madurai.

+1 CC to M/s. R.SUBRAMANIAN, Advocate, SR No. 59671.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 59784

CMR/GSP

PSM/MR-KKR/SAR2/04.07.2017/2P/5C

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