



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD).No.1285 of 2016

N.Angayarkanni

..Petitioner

Vs.

1.Director General of Police,
Office of the Director General of Police,
Mylapore,
Chennai-600004.

2.The Additional Director General of Police,
CBCID,
No.220, Pantheon Road,
Egmore,
Chennai-8.

3.The Superintendent of Police,
Office of the Superintendent of Police,
CBCID,
Chennai-2.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records of the second respondent in Na.Ka.No.A3/11753/227/2014 dated 06.08.2014 and quash the same and consequently direct the first respondent to give an appointment in the police department on compassionate ground to the son of the petitioner Rahul Rathinakumar.

For Petitioner : Mr.A.John Vincent

For Respondents : Mr.N.S.Karthikeyan
Additional Government Pleader

O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Certiorarified Mandamus, to call for records of the second respondent in Na.Ka.No.A3/11753/227/2014 dated 06.08.2014 and quash the same and consequently direct the first respondent to give an appointment in the police department on



compassionate ground to the son of the petitioner Rahul Rathinakumar.

2. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents.

3. The petitioner is the wife of the one R.Nambirajan. The petitioner's husband was working as Police Head Constable and died on 05.03.1998, while he was in service. The petitioner filed an application seeking appointment on compassionate ground. The said application was returned on 13.12.2001. It was, thereafter, the petitioner did not make any attempt either to represent the application or to file a separate application. Since the petitioner never made an attempt to renew her application within a time limit, the later application filed by the petitioner in 2014 was rejected by the impugned order, dated 06.08.2014. Hence, the application filed by the petitioner in 2001 cannot be considered as pending to renew her application in 2014.

4. The Supreme Court has repeatedly held that the petitioner should be filed within the period of limitation. The Supreme Court on several occasions considered the question of delay as a relevant issue in the matter of appointment on compassionate ground. In this case, the unexplained delay, i.e. 2001 to 2014, is fatal and disable the petitioner from seeking any relief from this Court.

5. This Writ Petition was also filed with a delay of more than a year in 2016 to challenge the order of rejection passed in the year 2014. Therefore, the petitioner is also responsible for the delay in every stage. No indulgence can be shown in this case especially no reasons or explanations had been offered by the petitioner for inordinate delay in not renewing her application after it was returned in 2001. Hence, 13 years of delay cannot be appreciated.

6. Hence, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar



To

1. Director General of Police,
Office of the Director General of Police,
Mylapore,
Chennai-600004.

2. The Additional Director General of Police,
CBCID,
No.220, Pantheon Road,
Egmore,
Chennai-8.

3. The Superintendent of Police,
Office of the Superintendent of Police,
CBCID,
Chennai-2.

+One cc to Mr.A.John Vincent, Advocate, SR.No.60389

+One cc to The Special Government Pleader, SR.No.60587

MRN/TA
RL/6C/3P/KP/SAR1/7/7/2017

ORDER MADE IN

W.P. (MD) .No.1285 of 2016

15.06.2017