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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2017

CORAM :

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

W.P.(MD) No.19215 of 2016
and
W.M.P.(MD) No.13872 of 2016

S.Vanaja Rani

... Petitioner

Vs.

1. The District Collector,
Office of District Collectorate,
Kanyakumari,
Kanyakumari District.

2. The Revenue Divisional Officer,
Thasildar Office,
Kulithurai,
Kanyakumari District.

3. The Thasildar,
Thasildar Office,
Velavankodu,
Kanyakumari,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Ni.Mu.A1/11744/2016 dated 06.09.2016 on the file of the first respondent and quash the same as illegal and consequently to direct the first respondent to appoint the petitioner on compassionate grounds for any post for which she is eligible.

For Petitioner : Mr.T.Lajapathy Roy

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

ORDER

This Writ Petition has been filed challenging the order of the first respondent dated 06.09.2016, dismissing the application filed by the petitioner, seeking appointment on compassionate ground on the following grounds:

<https://hcservices.ecourts.gov.in/hcservices/>

(a) The application filed by the petitioner on 27.10.2014, is beyond the period of three years from the date of

death of the employee.

(b) The petitioner being a married daughter of the deceased, is not entitled to seek compassionate appointment.

(c) The petitioner's brother is also working as a Driver in the State Transport Corporation and that he is supposed to shoulder the family. Hence it cannot be concluded that the petitioner's family is living in indigeneous circumstance.

2. Admittedly, in this case, the petitioner filed an application beyond the period of three years from the date of her father's death. The only explanation that is sought to be given by the petitioner is that the petitioner was under the impression that she was not eligible to apply being a married daughter of the deceased employee. It was on that score, the petitioner tries to justify her sluggishness for non-approaching the respondent within time. The petitioner also says that the respondents kept on preventing the petitioner from approaching them by filing the application for compassionate appointment on the ground that married daughter of the deceased employee is not eligible to get appointment on compassionate ground. This statement is denied and not supported by any material.

3. It is because of the legal position as conceived by the petitioner, she states that she could not file application within the time limit. However it is stated that she came to know that as per the recent Government Order, the petitioner though married, is also entitled to seek appointment on compassionate ground and that she immediately filed an application seeking compassionate appointment. It is in these circumstances, the learned counsel for the petitioner submits that the application filed by the petitioner cannot be treated as one beyond the period of limitation. The said submission cannot be accepted. Hence the application is not maintainable.

4. It is not in dispute that the petitioner's father died on 21.08.2011. It is also stated in the impugned order that the petitioner's brother was already serving as a Driver in the State Transport Corporation. Hence it cannot be presumed that the family of the petitioner is living in poverty. The contention of the respondent is that the petitioner's brother is also member of family and that he is also expected to maintain the family, in case the family is living in penury because of the sudden death of the petitioner's father. In such circumstances, the fact that the petitioner's brother was in employment is relevant while considering the petitioner's application for appointment on compassionate ground.

5. The impugned order is, therefore, cannot be found fault with and this Court finds no reason to interfere with the impugned order passed by the first respondent rejecting the petitioner's request for appointment on compassionate ground.



Hence this Writ Petition is dismissed. No costs. Consequently the connected W.M.P. (MD) No.13872 of 2016 closed.

Sd/-

Assistant Registrar (Crl side)

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/True copy/

Sub Assistant Registrar

To

1. The District Collector,
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Kanyakumari,
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Kulithurai,
Kanyakumari District.
3. The Thasildar,
Thasildar Office,
Velavankodu,
Kanyakumari,
Kanyakumari District.

+1 cc to Mr.T.Lajapathi Roy , Advocate in SR.No. 61135

+1 cc to Special Government Pleader in SR.No.61614

mm/cmr

AE/MR KKR/SAR3/12.07.2017/3P/6C

W.P. (MD) No.19215 of 2016
20.06.2017