



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 02.01.2017
CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

WEB COPY

W.P.(MD) No.25093 of 2016

J.Saibunisha Begum

... Petitioner

Vs.

The General Manager,
Tamil Nadu State Transport(Kumbakonam)
Limited,
Karaikudi Region,
Maruthupathi,
Karaikudi,
Sivagangai District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondent to appoint the Petitioner's son in a suitable post on compassionate ground within the period stipulated by this court.

For Petitioner : M/s.G.M.Xavier

For Respondent : Mr.D.Sivaraman

O R D E R

This petition has been filed, seeking a direction to the respondent to appoint the Petitioner's son in a suitable post on compassionate ground within the period stipulated by this court.

2.Mr.D.Sivaraman, learned counsel takes notice for the respondent. By consent of both parties, the main Writ Petition is taken up for final disposal at the stage of admission itself.

3.The Petitioner has submitted that her son made a representation on 6.12.2006 and also she made a representation on 10.12.2016 itself to provide employment on compassionate ground for her son. Almost a decade has gone by and that the son to whom the mother has sought for employment was 12 years as on the date of demise of the Petitioner's husband/father of the person to whom employment is sought for. The boy has now attained major and thereafter he has not made any request seeking the relief of compassionate appointment.

4.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:-

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

(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 de-hors 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."

5. Taking note of the fact that there is delay in filing the application immediately after the demise of his father and secondly the boy has now attained majority and he alone can seek for compassionate appointment, this Court is of the view that the mother has no locus-standi to file the Petition. Now that the employment sought for after a delay of 10 years from the date of so called application, the Petitioner has come forward with this Writ Petition for redressal of his grievance, which cannot be considered on the sole ground of delay, apart from the decision cited supra, this Court is not inclined to entertain the present Writ Petition.

6. Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar

(RTI)

/TURE COPY/

Sub Assistant Registrar

To

+1 cc to MR.D.Sivaraman, ADVOCATE, SR NO:73

vsn

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