



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2017

CORAM:

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.A. (MD) .No.285 of 2011

Punnagai

... Appellant

Vs.

The Superintendent of Police,
Tirunelveli District.

... Respondent

PRAYER : Writ Appeal is filed under Clause 15 of the Letters Patent to set aside the order passed W.P.(MD)No.11143 of 2009, dated 22.09.2010.

Prayer in WP(MD). 11143/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certioraraified Mandamus, to call for the records relating to the Letter Na.ka.no.A5/27059/2009 dated 29/06/2009 and quash the same and consequently direct the respondent to appoint the petitioners son Manikandan, s/o.Mahalingam, constable (worked at nanguneri police station) aged 18 ykears on compassionagte ground in the Respondents department .

For Appellant : Mr.D.Saravanan
For Respondent : Mr.T.S.Md.Mohideen, AGP

JUDGMENT

[Judgment of the Court was delivered by G.R.SWAMINATHAN, J.]

The unsuccessful writ petitioner is on appeal questioning the order dated 22 September 2010 made in WP(MD).No.11143 of 2009.

2.The appellant herein is the wife of one Mahalingam. He worked as a Constable in Nanguneri Police Station, Tirunelveli District. Her husband passed away on 28.06.1997. At the time of demise of her husband, the writ petitioner was having three minor children born through her husband. Since they were minors, she could not file an application seeking compassionate appointment. Only in the year 2009, the writ petitioner took out an application for compassionate appointment. The said request was rejected by



order dated 29 June 2009. The said order of rejection was questioned in the writ petition. The learned single Judge dismissed the writ petition. Aggrieved by the same, this intra Court appeal has been filed.

3. The Honourable Supreme Court had consistently held that there cannot be a reservation of vacancy till such time as the applicant attains majority. In this case, the husband of the appellant passed away in 1997. The application seeking compassionate appointment was made in the year 2009 only. There is a clear gap of 12 years. The order of compassionate appointment is intended to relieve the family from the economic distress that might strike them following the demise of the breadwinner. The question of entertaining the application after a gap of 12 years does not arise.

4. The learned single Judge has dismissed the writ petition by placing reliance on a number of earlier decisions of both the Honourable Supreme Court and this Court. In fact, there is a reference to as many as eight decisions of the Honourable Supreme Court. In the face of this formidable array of precedents referred to in the order of the learned single Judge, we do not want to go by the order dated 12 January 2008 made in W.A.No.2452 of 2011 on which reliance is placed by the learned counsel appearing for the appellant. We find no merit in this writ appeal. It stands dismissed. No costs.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The Superintendent of Police,
Tirunelveli District.

+ 1 CC TO Mr.D.SARAVANAN, ADVOCATE IN SR No. 67542
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 68360

SKM/ARUL
TE/MR-KKR/SAR-II : 04/08/2017 : 2P/4C

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