

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE T.RAJANI

Writ Appeal No.839 of 2017

JUDGMENT: (Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.No.13329 of 2017 dated 17.04.2017. The appellant is the petitioner in the writ petition. He claims compassionate appointment on the ground that his father died while in service on 23.11.1995.

In the order under appeal, the Learned Single Judge observed that appointment on compassionate grounds is not a continuous right vested in any dependant; the very concept of compassionate appointment is to provide immediate succour to the family on account of the sudden death of bread winner putting the family into turmoil, and causing hardship to the family; and the fact that the family has survived such a long time would mitigate against such a claim. On the ground that the petitioner's father died in 1995, and the petitioner was aged about 2 to 3 years at that time, the Learned Single Judge refused to grant him the relief sought for in the writ petition.

As has been rightly observed by the Learned Single Judge, the scheme of compassionate appointment is to provide succour to the family immediately on the death of the deceased-employee. It is not in dispute that the petitioner's father died while in service in 1995 i.e 22 years ago. The scheme of compassionate appointment does not create a continuous right, for decades together, to seek employment in Government service.

The scope of interference in an intra-court appeal, under Clause 15 of the Letters Patent, is extremely limited and, save patent illegality in the order under appeal, no interference is called for. We are satisfied that the order under appeal does not suffer from any such infirmity.

The Writ Appeal fails and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

30th June, 2017
JSU

(T.RAJANI, J)



THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE T.RAJANI



Writ Appeal No.839 of 2017

Date: 30.06.2017

JSU