

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.10.2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.2105 of 2015

S.Karthikeyan

... Petitioner

Versus

The District Collector,
Namakkal

... Respondent

PRAYER: Writ petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records with respect of the proceedings of the respondent herein dated 29.11.2014 in his proceedings in O.mu.No.21248/2014/A3 and quash the same and consequently direct the respondent herein to appoint the petitioner herein in any one of the appropriate post under compassionate appointment and pass such further or other orders.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr. A.Ansar
Government Advocate

O R D E R

The order of rejection dated 29.11.2014, in respect of the claim of the writ petition for compassionate appointment, is under challenge in this writ petition.

2. The learned counsel appearing for the writ petitioner made a submission that the mother of the writ petitioner viz., Smt.Kannamal, was employed as Revenue Assistant at District Revenue Office at Namakkal and on account of her ill health, she was allowed to retire from service on medical invalidation with effect from 31.10.2013. The writ petitioner made an application seeking compassionate appointment on 01.09.2014. The said application was rejected by the respondent in proceedings dated 29.11.2014, on the ground that as per the terms and conditions stipulated in the Government Order, an employee, who was medically invalidated and allowed to retire from service after crossing the age of 50 years, is not eligible for getting the benefit of compassionate appointment.

3. The learned Government Advocate appearing on behalf of the respondent contends that the mother of the writ petitioner was allowed to retire from service on medical invalidation. However, the very application seeking compassionate appointment itself was filed after a lapse of one year from the date of retirement of the employee on 01.09.2014 and the application was rejected on the ground that as on the date of retirement of the Government employee, she was aged about 53 years and 5 months. Thus, as per the terms and conditions of scheme of compassionate appointment, the writ petitioner is not eligible to get appointment.

4. The conditions imposed in the Government Order for seeking compassionate appointment based on the retirement on medical invalidation of the Government employee is that the employee must be below 50 years. If such restrictions are not imposed, other employees will be tempted to submit an application for medical validation at the age of 56 years or 57 years and try to get compassionate appointment to their sons and daughters. In order to avoid such practice of the Government employees, Government imposed certain restrictions to provide compassionate appointment to certain category of employees, who are retired from service based on medical invalidation.

5. Thus, there is no unreasonableness in respect of the restrictions imposed by the Government in this regard. In respect of the present case on hand, at the time of retirement of the mother of the writ petitioner, she attained the age of 53 years and 5 months. Thus, there is no infirmity in respect of the rejection order passed by the respondent, as the case of the petitioner cannot be considered in accordance with terms and conditions of the scheme of compassionate appointment. Thus, there is no infirmity as such, in respect of the impugned order. Accordingly, the writ petition is devoid of merit and stands dismissed. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

rka/sk

To

The District Collector, Namakkal

+1cc to Government Pleader SR.No.71503

W.P.No.2105 of 2015

RK (CO)

GMV (02/11/2018)