

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 18.04.2018
CORAM:
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
W.A.No.193 of 2018

S.G.Sivakumar

... Appellant

versus

1. The District Collector
O/o. The Collectorate of Krishnagiri,
Krishnagiri.
 2. The District Revenue Officer,
O/o. The Collectorate of Krishnagiri
Krishnagiri District.
 3. The Forest Settlement Officer,
O/o. The Forest Settlement Office,
Krishnagiri.
 4. The Tahsildar,
O/o. Forest Settlement Office,
Krishnagiri.
- ... Respondents

Appeal filed against the order passed by this Court dated 31.08.2017 passed in W.P.No.41813 of 2016 .

Prayer on W.P.No.41813 of 2016 : Praying to issue a Writ of Certiorarified mandamus Calling for the records pertaining to the order passed by the 1st respondent in Na.Ka.No.27208 / 2011/A3 dated 02.11.2011 and the order passed by the 2nd respondent in Na.Ka.No.27208/ 2011/A3 dated 20.11.2011 (singed 23.11.2015) and quash the same consequently issue direction directing the 1st respondent to consider the petitioners request of compassionate appointment by considering his representations.

For appellant : Mr.R.Ramesh

For Respondents: Mr.V.Anandhamoorthy, Addl. Govt. Pleader

J U D G M E N T
(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

This Intra Court Appeal is at the instance of the petitioner in WP No.41813 of 2016 in which the petitioner had challenged the order of the 1st respondent dated 02.11.2011 and

the consequential order passed by the 2nd respondent dated 20.11.2011 (signed on 23.11.2015) in and by which, the request of the petitioner for compassionate appointment was rejected by the respondents.

2. The claim of the petitioner was that his father late M.Gnanasekaran, who was working as a Revenue Inspector (Grade -I) in the Revenue Department of Forest Settlement Office at Krisnagiri and passed away in harness on 12.01.2001. The petitioner claims that he had filed application seeking compassionate appointment on 12.04.2001 and 26.12.2001. However, these applications were not disposed of by the respondents. After several remainders, the respondents finally passed an order of rejection dated 20.11.2011 and the same was signed by the respondent in the year 2015. Challenging the said rejection, the petitioner had filed the Writ Petition in WP No.41813 of 2016 seeking to quash the order of rejection and to direct the 1st respondent to consider the petitioner's request for compassionate appointment.

3. The Writ Petition was resisted by the respondents contending that the deceased employee, viz. M.Gnanasekaran had died leaving behind his wife Sivagami, four sons and one daughter. The petitioner is the eldest son. It is claimed that two sons and one daughter of the said M.Gnanasekaran are already in Government service. In view of the same, according to the respondents, the request of the petitioner seeking appointment on compassionate grounds cannot be considered as the family is not in poor financial circumstances. Accordingly, his representations were rejected by passing orders on 02.11.2011 and 20.11.2011, which are challenged in the writ petition. However, the petitioner had sent several representations to various authorities. In one such representation dated 25.11.2015, the petitioner has stated that none in his family have been given employment under compassionate ground and his family is living in penurious circumstances. The petitioner claims that he has studied M.A., B.Ed. and MBA (HR) and also passed Typewriting Higher Grade in English as well as Tamil besides Diploma in PGDCA. The claim in the said representation dated 25.11.2015 is apparently erroneous in as much as three of his siblings are already in Government service. The learned Single Judge by his order dated 31.08.2017, had dismissed the Writ Petition, concluding that the purpose of compassionate appointment is to provide immediate relief to the family of the deceased Government Servant, which is living in penurious circumstances. In as much as three of the siblings of the petitioner are already in Government service, the learned Single Judge concluded that it is not a fit case, where benefit of compassionate appointment could be extended to the petitioner.

4. We have heard Mr.R.Ramesh, learned counsel appearing for the appellant and Mr.V.Anandhamoorthy, learned Additional Government Pleader appearing for the respondents.

5. Compassionate appointment cannot be sought as a matter of right. The very object of the scheme for compassionate appointment is to provide immediate succor to the family of the Government servant, which was wholly dependent on the earnings of the deceased Government servant. In the case on hand, the facts demonstrate that the family of the petitioner is not living in penury.

6. The fact that the three of the siblings of the petitioner are in Government service is not denied. Therefore, the rejection of the request of the petitioner for appointment on compassionate grounds on the ground that the circumstances in which the family of the petitioner is placed do not justify grant of compassionate appointment, which is meant for providing immediate relief to the family of the deceased Government servant, who dies in harness, has to be accepted. We are, therefore, of the view that the order of the learned Single Judge, does not call for any interference at our hands and hence, this Intra Court Appeal is dismissed confirming the order of the learned Single Judge in the Writ Petition in WP No.41813 of 2016. However, in the circumstances, there will be no order as to costs.

Sd/-

Assistant Registrar (CS V)

//True copy//

Sub Assistant Registrar

jv

To

1. The District Collector
O/o. The Collectorate of Krishnagiri,
Krishnagiri.
2. The District Revenue Officer,
O/o. The Collectorate of Krishnagiri
Krishnagiri District.

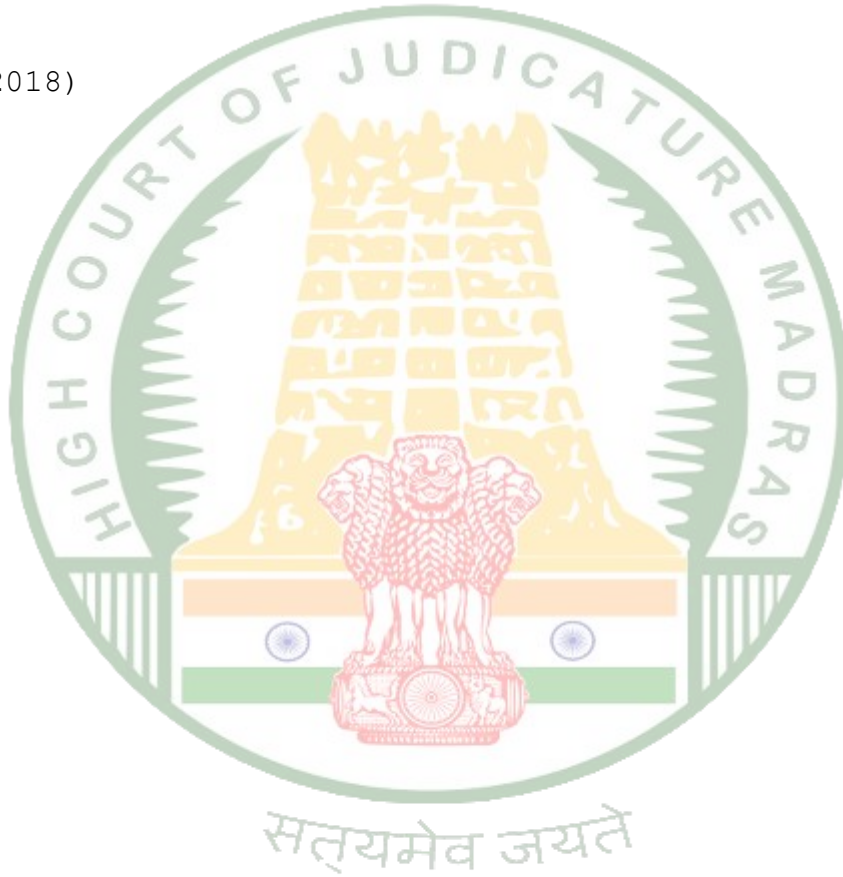
3. The Forest Settlement Officer,
O/o. The Forest Settlement Office,
Krishnagiri.

4. The Tahsildar,
O/o. Forest Settlement Office,
Krishnagiri.

+lcc to Mr.R.Ramesh, Advocate SR.No.29074

W.A.No.193 of 2018

NRI (CO)
GN(10/05/2018)



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