

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2018

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

W.A.No.1223 of 2014

G.Sathish

.. Appellant

-vs-

1.The Collector,
Tiruvallur District,
Tiruvallur - 602 001.

2.The Tashildhar,
Ambattur, Tiruvallur District.

.. Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 07.11.2012 passed in W.P.No.24079 of 2012 on the file of this Court.

W.P.No.24079 of 2012:

Writ of certiorarified Mandamus to call for the records pertaining to the order dt 31.7.2012 in proceedings No. Na. Ka. 4775/2006/A1 on the file of the 1st respondent and quash the same and consequently direct the respondents to consider and appoint the petiitoner an compassionate grounds in any suitable post

For Appellant : Mr.K.Venkataramani, Sr. Counsel
for Mr.T.Ayngaraprabhu

For Respondents: M/s.Thanga Vadhana Balakrishnan
Addl.G.P. for RR 1 and 2

J U D G M E N T

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This writ appeal has been preferred by the appellant being aggrieved over the order of the learned Single Judge, who, after taking note of the fact that the application was not in order and at the relevant point of time, the appellant was only seven years old, was pleased to dismiss the writ petition.

2.The learned Senior Counsel appearing for the appellant would submit that by subsequent orders, the requirement of making an application within a period of three years from the date of death of the employee, who died in harness, was not available to a death, which has taken place prior to 1995. Since the appellant's father died on 05.03.1993, the petitioner's case ought to have been considered on merits.

3.We do not find any merit in this writ appeal. Firstly, the application given in 1993 is not very specific, as rightly observed by the learned Single Judge, with respect to the very issuance of legal heirship certificate. Even otherwise, on facts, it is not in dispute that at that point of time the appellant was only seven years old. Thus, in law, his application could not have been considered by the respondents.

4.The object of the scheme, which provides for compassionate appointment, is to succor the bereaved family of an employee who died in harness. It is meant to tide over financial constraints that might arise in view of the sudden death of the Government servant. Therefore, such a scheme cannot be extended to mean that an employment, as a matter of right, will have to be given to a minor after he attains majority. If such a principle is applied, the appellant would be entitled for employment after a period of ten years from the date of his application. Therefore, we do not find any merit in this appeal.

Writ Appeal is, accordingly, dismissed. No costs.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

sra

To

1.The Collector,
Tiruvallur District,
Tiruvallur - 602 001.

2.The Tashildhar,
Ambattur, Tiruvallur District.

+1 CC to Mr.T.Ayngaraprabhu, Advocate sr 76652.

+1 CC to Govt. Pleader sr 76789.

W.A.No.1223 of 2014

RK(CO)

SP(03/12/2018)