

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.34393 of 2012 and
M.P.No.1 of 2012

V.Murugavel @ Ilayaraja

... Petitioner

-Vs-

1.The Superintending Engineer - I,
Electricity Department,
Pondicherry.

2.The Executive Engineer - IX,
Electricity Department,
Pondicherry.

3.The Officer on Special Duty,
Electricity Department,
Pondicherry.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent herein in his proceeding No.1-5/ED/Estt./A.4/1999 dated 08.10.2009 and quash the same and consequently direct the respondent herein to give appointment to the petitioner on compassionate ground based upon the petitioner's qualification.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.B.Nambiselvan,
Additional Government Pleader

O R D E R

Heard Mr.N.Suresh, learned counsel for the petitioner and Mr.B.Nambiselvan, learned Additional Government Pleader appearing for the respondents.

2. The petitioner has approached this Court, seeking the following relief:-

"To issue a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent herein in his proceeding No.1-5/ED/Estt./A.4/1999 dated 08.10.2009 and quash the same and consequently direct the respondent herein to give appointment to the petitioner

on compassionate ground based upon the petitioner's qualification."

3. The case of the petitioner is as follows:-

The petitioner's father was working as Line man in the Electricity Board, Puducherry. He died while in service. At the time of his death, he left behind the petitioner's mother, two sons including the petitioner and one minor daughter. After the death of his father, the petitioner had applied for appointment on compassionate ground. However, the same was considered vide order dated 08.10.2009 and the claim of the petitioner came to be rejected on the ground that the petitioner's mother was working as Anganwadi Worker in Puducherry Government and was also in receipt of family pension, on the death of her husband.

4. The petitioner has approached this Court seeking to challenge the above rejection order. From the facts, it appears that the petitioner's father died on 07.01.1997, but, the application for compassionate appointment was made belatedly which evoked negative response from the competent authority. On 08.10.2009, the committee which was entrusted with the task of examining the application for compassionate appointment, found that there were more deserving cases than the petitioner's claim and the compassionate appointment was only limited to 5% of the post reserved for such consideration.

5. In the said circumstances, the claim of the petitioner was not considered favourably. In fact, in the counter affidavit filed, the Committee's recommendation and its subsequent stand has been disclosed elaborately. Moreover, it has to be seen that it is more than 20 years, since the petitioner's father died on 07.01.1997. It is needless to mention that the compassionate appointment can be considered only as a matter of providing immediate employment assistance and the same cannot be considered after a lapse of two decades, even excluding the period of pendency of this writ petition before this Court. The fact remained that the petitioner's father died in 1997 and the petitioner submitted application for compassionate appointment belatedly and did not pursue the same and finally, he made representation only on 16.09.2009. Therefore, in all fours, the petitioner has not made out a case for the relief.

6. Therefore, the writ petition is without any merits and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

To

1.The Superintending Engineer - I,
Electricity Department,
Pondicherry.

2.The Executive Engineer - IX,
Electricity Department,
Pondicherry.

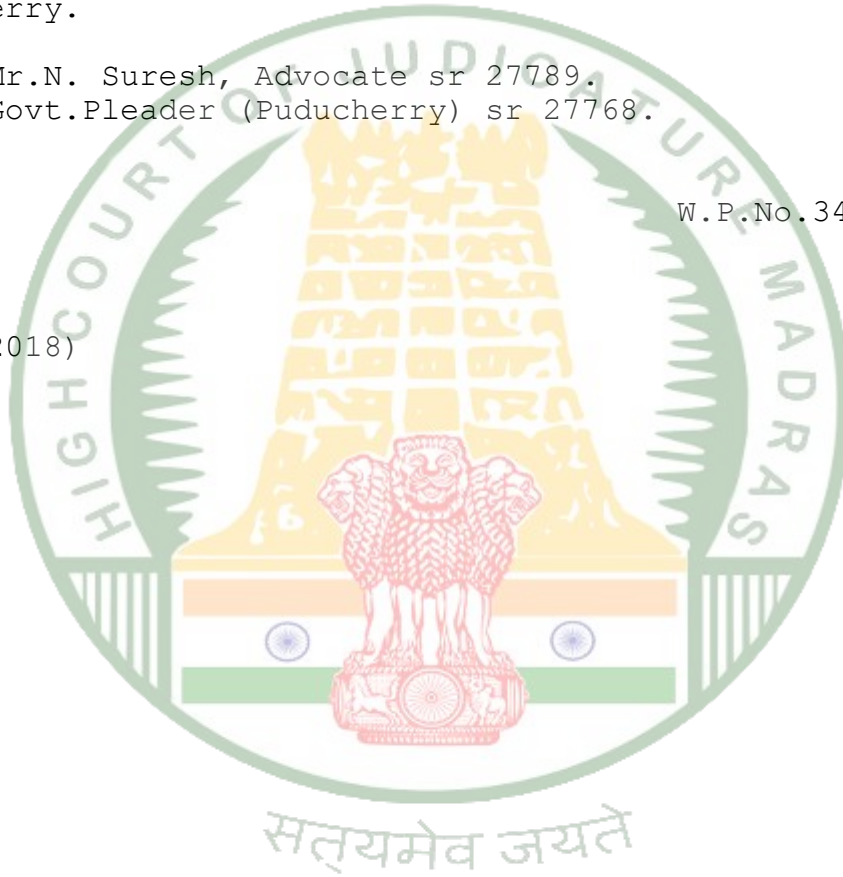
3.The Officer on Special Duty,
Electricity Department,
Pondicherry.

+1 CC to Mr.N. Suresh, Advocate sr 27789.

+1 CC to Govt.Pleader (Puducherry) sr 27768.

W.P.No.34393 of 2012

SP(14/05/2018)



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