



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.207 of 2018

B.Vairakumar

... Petitioner

Vs.

The Superintendent of Prison,
Central Prison, Madurai - 16.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order No.14040/Po.1/2012 dated 19.10.2015 passed by the respondent and quash the same as illegal and consequently direct the respondent to provide suitable employment to the petitioner on compassionate ground within stipulated time.

For Petitioner : Mr.C.Arul Vadivel Alias Sekar

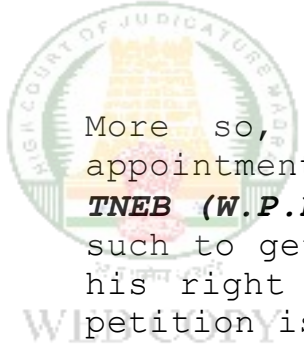
For Respondents : Mr.J.Gunaseelan Muthiah, AGP

O R D E R

The petitioner's father was working in the police department. He died on 16.03.2010. An application for compassionate appointment was given on 25.09.2012. But the same was rejected by the impugned order dated 19.10.2015 on the ground that the petitioner was a minor when the application was submitted.

2.The learned counsel for the petitioner submitted that when the matter was taken up for consideration, the writ petitioner had attained majority.

3.Date of consideration of the application cannot be the relevant date. What is relevant is the date on which the application was given. It is seen that the writ petitioner did not attain the majority even within three years from the date of demise of his father. Unfortunately, for the petitioner he was short by five months. That apart, the order impugned in this writ petition was passed on 19.10.2015. This writ petition has been filed only in January 2018. Therefore, the delay in invoking the jurisdiction of this Court is also a factor to be borne in mind.



More so, when this is a matter pertaining to compassionate appointment. As already held by this Court in **G.Ramesh Kumar Vs. TNEB (W.P.No.31627 of 2014 dated 27.11.2017)**, there is no right as such to get compassionate appointment and one cannot complain that his right has been infringed. The order impugned in this writ petition is clearly justifiable.

4. There is no merit in this appeal and it stands dismissed.
No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

The Superintendent of Prison,
Central Prison, Madurai - 16.

+1cc to Mr.C.Arul Vadivel Alias Sekar, Advocate Sr.No.46457

+1cc to The Spl. Government Pleader Sr.No.47233

ARUL

VB/KKR/SAR4/19.02.2018/2P/4C

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