



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2018

CORAM

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.15171 of 2014

A.Kavitha

... Petitioner

Vs.

1. The District Collector,
Trichy District,
Trichy.

2. The District Elementary Educational Officer,
Trichy District,
Trichy.

.. Respondents

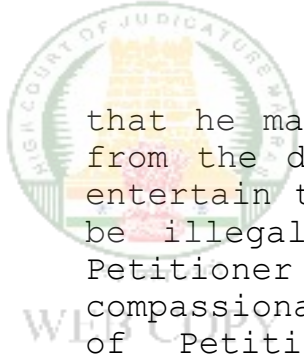
Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records of the impugned order passed by the second respondent in Na.Ka.No.228/A2/2014, dated 22.2.2014 and to quash the same as illegal and consequently direct the respondents to appoint the Petitioner on compassionate ground in the second respondent Office on account of the deceased V.Arumugam, father of the Petitioner, within the time stipulated by this Court.

For Petitioner	:	Mr.G.Radhakrishnan
For Respondents	:	Mrs.S.Srimathi Special Govt.Pleader

O R D E R

The petitioner has come forward with this Writ Petition seeking to quash the impugned order passed by the second respondent in Na.Ka.No.228/A2/2014, dated 22.2.2014 as illegal and consequently direct the respondents to appoint the Petitioner on compassionate ground in the second respondent Office on account of the deceased V.Arumugam, father of the Petitioner, within the time stipulated by this Court.

2.The case of the Petitioner is that Petitioner's father died on 16.09.2002, while he was in service. According to the Petitioner, her mother made an application in the year 2003 and not aware of the date. But there is no document produced before this Court. The mother also died on 28.12.2012 and the petitioner made a representation for compassionate appointment in the year 2014. It was rejected on 24.2.2014. As the Petitioner is aged 35 years and



that he made application on 21.01.2014 after a delay of 12 years from the date of demise of Petitioner's father, this Court cannot entertain the Writ Petition and the impugned order cannot be said to be illegal. That apart, even going by the age stated by the Petitioner as 35, the Petitioner should have applied for compassionate appointment within three years from the date of death of Petitioner's father. Moreover the Petitioner was major even on the date of death of her father. As such, this Court finds no merit in the Writ Petition and the relief sought for by the Petitioner cannot be granted.

3. At this juncture, it is relevant to point out paragraph No.20 of a decision reported in **(2011) 4 SCC 209, Bhawani Prasad Sonkar vs. Union of India and others**, wherein the Hon'ble Apex Court has held as follows:-

"20. Thus while considering a claim for employment on compassionate ground, the following factors have to be borne in mind:

(i) Compassionate employment cannot be made in the absence of rules of regulations issued by the Government or a public authority. The request is to be considered strictly in accordance with the governing scheme, and no discretion as such is left with any authority to make compassionate appointment de-hors the scheme.

(ii) An application for compassionate employment must be preferred without undue delay and has to be considered within a reasonable period of time.

(iii) An appointment on compassionate ground is to meet the sudden crisis occurring in the family on account of the death or medical invalidation of the bread-winner while in service. Therefore, compassionate employment cannot be granted as a matter of course by way of largesse irrespective of the financial condition of the deceased/incapacitated employee's family at the time of his death or incapacity, as the case may be.

(iv) Compassionate employment is permissible only to one of the dependants of the deceased/incapacitated employee viz. Parents, spouse, son or daughter and not to all relatives, and such appointments should be only to the lowest category that is Class III and IV posts."

4. This Court, while dealing with the scope of compassionate appointment in the case of **L. Mohanasundaram .vs. The Joint Director of School Education (Services), College Road, Nungambakkam, Chennai-6 and another made in W.P (MD) No.16402 of 2012, dated 3.1.2018** has categorically held that compassionate appointment cannot be claimed as a matter of right and in the event of applicability of rules, the concerned person should apply for the same within the reasonable time.



5. In view of the above, I find no merit in the Writ Petition and accordingly, the same stands dismissed. No costs.

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Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar (CS-I)

To:

1. The District Collector,
Trichy District,
Trichy.

2. The District Elementary Educational Officer,
Trichy District,
Trichy.

+ 1 CC TO Mr.G.RADHAKRISHNAN, ADVOCATE IN SR No. 81341
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 81647

VSN

TE/SKN/SAR-1 : 27/09/2018 : 3P/5C

W.P.(MD) No.15171 of 2014
30.08.2018