



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2018

CORAM:

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**THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN**

W.P. (MD) No.252 of 2014

C.Renjit Singh

... Petitioner

**Vs.**

1. The State of Tamil Nadu,  
Rep by its Secretary,  
Department of Revenue,  
Fort St.George,  
Chennai-600 009.
2. The District Collector of Thoothukudi,  
At Thoothukudi.
3. The Revenue Divisional Officer,  
Thoothukudi,  
Thoothukudi District.
4. The Tahsildar,  
Srivaikundam Taluk,  
Thoothukudi District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2<sup>nd</sup> respondent, pertaining to his order in Na.Ka.A4/43774/2011 dated 03.09.2011 on this file, quash the same, directing the respondents to give to the petitioner appointment on compassionate grounds according to the qualifications, on account of the death of his father, K.Chellamuthu, on 10.11.1998, while in service as the Village Administrative Officer of Sekkarakudi Village, Srivaikundam Taluk, Thoothukudi District under the respondents.

For Petitioner : Mr.K.N.Thampi  
For R1 to R4 : Mr.K.Mu.Muthu  
Additional Government Pleader

**O R D E R**

<https://hcservices.ecourts.gov.in/hcservices/>  
This writ petition is filed to quash the order of the second respondent, dated 03.09.2011 in Na.Ka.A4/43774/2011 and further direct the respondents to give appointment to the petitioner on



compassionate grounds according to the qualifications, on account of the death of his father, K.Chellamuthu, on 10.11.1998, while in service as the Village Administrative Officer of Sekkarakudi Village, Srivaikundam Taluk, Thoothukudi District under the respondents.

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2.The case of the petitioner is that his father died on 10.11.1998 and the petitioner, who has affected with 60% disability, given consent for his brother viz., Ajith Singh, to get compassionate appointment. Since the petitioner is a physically challenged person, he approached the respondents for compassionate appointment to give his elder brother viz., Ajith Singh. In this regard, the petitioner's brother has made a representation dated 26.07.1999. In the mean while, the said Ajith Singh died on 18.03.2013. During the pendency of the first application made by the second son, viz., Ajith Singh, the petitioner was also made a representation on 26.07.2009 and the same was rejected.

3.According to the petitioner, the compassionate appointment ought to have been given to the petitioner, who suffers from physical disability and that the petitioner's brother has not been given compassionate appointment and he passed away on 18.03.2013.

4.The learned Additional Government Pleader appearing for the respondents would contend that one Thiru.Chellamuthu, formerly Village Administrative Officer of Chekkarakudi Village of Srivaikundam Taluk, who is the father of the petitioner, died on 10.11.1998, while he was in service, leaving behind four legal heirs including his wife. The second son of the deceased made a representation with no objection letter from other legal heirs. When the petitioner was called to appear for enquiry on 27.07.2006 and 25.10.2006 before the Tahsildar with regard to the compassionate appointment, he did not appear. Thereafter, the present representation with regard to seeking compassionate appointment to the petitioner received by the second respondent, after 7 years, instead of his elder brother. When another representation was received, both the first son viz., the petitioner herein and the second son of the deceased viz., Ajith Singh were alive. He would further contend that the petitioner's brother was directed to submit necessary documents for finalising his request for compassionate appointment, based on the recommendation of the Tahsildar. In spite of the said communications, the petitioner did not appear. He would further contend that an application seeking for compassionate appointment has got to be made within a period of 3 years from the date of demise of the Government Servant. Since there is a delay, he prays for dismissal of this petition.

5.In terms of G.O.Ms.No.120, Labour and Employment Department, dated 26.06.1995, there is a delay of more than a decade by the petitioner. Out of arising that the petitioner is said to have been made a representation in the year 2006, there is a delay and the request of the compassionate appointment has got to be made within a



period of 3 years from the date of demise of his father.

6. Earlier, this Court interpreted the G.O.Ms, and came to the conclusion that the limitation is 3 years from the date of attaining majority. Subsequently, the said G.O.Ms., has been passed restraining the period of 3 years from the date of death of the deceased. As the person has no occupation, an application can be made within a period of 3 year from the date of demise of the petitioner's father and that the petitioner's brother was considered for compassionate appointment and that he did not appear for enquiry with necessary documents and hence, the respondents cannot consider the petitioners request for compassionate appointment, which is not a matter of right.

7. Accordingly, this Writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-IV)

**To**

1. The Secretary,  
The State of Tamil Nadu,  
Department of Revenue,  
Fort St. George,  
Chennai-600 009.
  2. The District Collector of Thoothukudi,  
At Thoothukudi.
  3. The Revenue Divisional Officer,  
Thoothukudi,  
Thoothukudi District.
  4. The Tahsildar,  
Srivaikundam Taluk,  
Thoothukudi District.
- + 1 CC TO Mr.K.N.THAMPI, ADVOCATE IN SR No. 80882

NS

TE/SV/SAR-4 : 04/12/2018 : 3P/6C