



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2018

CORAM:

WEB COPY

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD).No.47 of 2015

P.Vivekanandan

.. Petitioner

-Vs-

1. The Commissioner of Municipal Administration,
Ezhilagam, Chepauk,
Chennai - 5.

2. The Commissioner,
Nagercoil Municipality,
Nagercoil.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the 2nd respondent in his proceedings, dated 13.10.2010, bearing Na.Ka.No.H1/7545/2007 and quash the same with a further direction directing the 1st respondent to consider the claim of the petitioner for compassionate ground appointment.

For Petitioner	: Mr.Lakshmi Gopinath for M/s.Polax Legal Solutions
For Respondent-1	: Mr.J.Gunaseelan Muthiah Additional Government Pleader
For Respondent-2	: Mr.P.Athimoola Pandian

ORDER

The writ petitioner herein has sought for compassionate appointment in the Nagercoil Municipality on the ground that his mother Valli, who working as Sweeper died on 16.11.2002 while in service and therefore he may be considered for suitable post on compassionate ground and to be appointed.

2.It is the case of the writ petitioner that he had been repeatedly making request for compassionate appointment, but the same has not been positively considered by the respondents. On 28.12.2006, when he again made request for compassionate appointment, his application was rejected on the ground that it is made beyond three years period and hence could not be considered in view of the Government Order in G.O.Ms.No.202 Labour and Employment



Department, dated 08.10.2007.

3. From the records this Court finds that based on the request made by the writ petitioner, the second respondent herein has recommended for compassionate appointment and communicated the same to the first respondent vide his letter, dated 08.10.2007, in Na.Ka.7545/07/H1. The first respondent has acknowledged the receipt of the letter of the second respondent and thereafter, since the application is made after a lapse of three years period rejected his request vide impugned order, dated 13.10.2010. The second respondent in his counter affidavit pointed out the delay and laches on the part of the writ petitioner and relying upon the G.O.Ms.No.202 of Labour and Employment Department, dated 08.10.2007, submits that the mother of the Writ petitioner died on 16.12.2002 and the writ petitioner made his request for compassionate appointment on 28.12.2006. After considering his request the respondent has rejected the claim on 13.10.2010. The present writ petition challenging that order filed after lapse of five years. Hence, the writ petition is to be dismissed on the ground of laches.

4. Considering the rival submissions on both sides, due to laches of 5 years in approaching this Court, this Court is unable to take sympathetic view on the request made by the revision petitioner. There is an enormous delay in seeking redressal and furthermore compassionate appointment cannot be sought as a matter of right, after lapse of 16 years from the date of demise of the Government Servant. Entertaining the writ petition will not be proper in the larger public interest.

5. Accordingly, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Commissioner of Municipal Administration,
Ezhilagam, Chepauk, Chennai - 5.
2. The Commissioner,
Nagercoil Municipality,
Nagercoil.

+ 1 CC TO M/s.POLAX LEGAL SOLUTIONS, IN SR No. 94777
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 94774

TM

TE/SV/SAR-1 : 12/12/2018 : 2P/5C

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