



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.19026 of 2018

A.Anitha

... Petitioner

vs.

1.The Secretary to Government,
St. George Fort,
Chennai.

2.The District Collector,
District Collector Office,
Virudhunagar District.

3.The District Adi Dravidar Welfare Officer,
Adi Dravidar and Tribal Welfare Department,
Virudhunagar District.

... Respondents

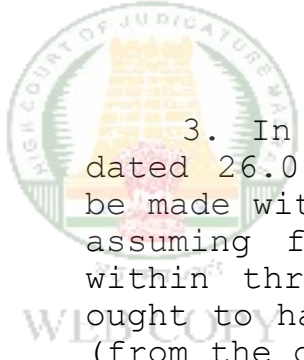
PRAYER:Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's claim of compassionate appointment in the place of petitioner's mother Selvi Sironmani, who died in harness on 15.03.2005 by considering the petitioner's application dated 18.01.2018 within a time frame to be stipulated by this Court.

For Petitioner	: Mr.M.Kochadai
For Respondents	: Mr.R.Sethuraman, Special Government Pleader

ORDER

The petitioner has come forward to file this Writ Petition to direct the respondents to consider the petitioner's claim of compassionate appointment in the place of her mother Selvi Sironmani, who died in harness on 15.03.2005, by considering her application dated 18.01.2018, within a stipulated time.

2. It is the case of the petitioner that her mother, who was working as a Teacher under the control of Adi Dravidar and Tribal Welfare Department, died on 15.03.2018 and that the petitioner's father has abandoned the children and got remarried. The petitioner became major on 05.02.2010 and she made an application for compassionate appointment on 18.01.2018.



3. In terms of G.O.Ms.No.120 Labour and Employment Department dated 26.06.1995, application for compassionate appointment has to be made within three years from the date of death of a person. Even assuming for the sake or argument, the petitioner has to apply within three years, after attaining majority ie., the petitioner ought to have applied before 2013. There is a delay of eight years (from the date of attaining majority) in making such application.

4. Further, the condition that the children viz., the petitioner and her brother have been abandoned and their relatives had not taken care of them, cannot be a ground to extend the benefit of compassionate appointment as the petitioner has not shown any interest for a period of not less than five years from 2013 in approaching the authorities concerned for appointment on compassionate ground. Hence, the petitioner is not entitled to get the relief.

5. In view of the above, I find no merit in this writ petition. Accordingly, this Writ Petition is dismissed. No costs.

Sd/
Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar(CS-IV)

To

1.The Secretary to Government,
St. George Fort,
Chennai.

2.The District Collector,
District Collector Office,
Virudhunagar District.

3.The District Adi Dravidar Welfare Officer,
Adi Dravidar and Tribal Welfare Department,
Virudhunagar District.

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PM
KK/RSK/SAR-4/13.11.2018/2P-4C