



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2018

CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P.(MD)No.19206 of 2018

WEB COPY

S.Thanga Retnam

... Petitioner

Vs.

1.The Inspector General of Police (Railways)
Railway Police No.8,
Varadarajulu Street,
Chennai-600 008.

2.The Chairman,
Tamil Nadu Uniformed Services Recruitment,
Board, 807, 2nd Floor,
Anna Salai,
Chennai-600 002.

3.The Superintendent of Police,
Trichy Railway Police District,
Department of Railway Police,
Trichy District-600 012.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 13.12.2017 and 14.03.2018 to give compassionate appointment to her elder son R.Vijay as a grade II Constable/Clerk in Tamil Nadu Uniform Services on the basis of the educational qualification within the time stipulated by this Court.

For Petitioner : M/s.L.Victoria Gowri
For R1 to R3 : Mr.S.Dhayalan
Government Advocate

ORDER

The petitioner seeks for a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 13.12.2017 and 14.03.2018 to give compassionate appointment to the petitioner's elder son viz., R.Vijay as a grade II Constable/Clerk in Tamil Nadu Uniform Services, on the basis of his educational qualification.

2.The case of the Petitioner is that the petitioner's husband died on 09.12.1992, while in service. Thereafter, she made an application before the respondents seeking compassionate appointment. In the mean time, the petitioner suffered paralysis attack. Due to which, she could not seek for employment and she made an application on 16.07.1997, seeking compassionate appointment to any one of her sons.



3. According to the petitioner, now, she has restricted the relief for her elder son, who was 3 years old at the time of death of her husband and now he is 28 years old.

4. The learned Government Advocate appearing for the respondent Nos. 1 to 3 contended that the petitioner did not make any application on completion of 18 years or within the period of 3 years on attaining the age of majority. That apart, the petitioner has knocked the doors of the Court after 26 years from the date of demise of her husband. Hence, he prays for dismissal of this petition.

5. In view of the above, this Court finds no merit in the Writ Petition and the relief sought for by the Petitioner cannot be granted.

6. 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:

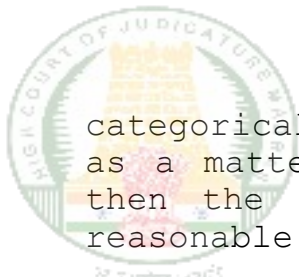
(i) Compassionate employment cannot be made in the absence of rules of regulations issued by the Government or a public authority. The request is to be considered strictly in accordance with the governing scheme, and no discretion as such is left with any authority to make compassionate appointment de-hors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

7. 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, then the concerned person should apply for the same within the reasonable time.

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

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-I)

To

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Department of Railway Police,
Trichy District-600 012.

+1CC to M/s.L.Victoria Gowri, Advocate, SR.No.82647

W.P. (MD) No.19206 of 2018
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