



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.01.2018**

CORAM:

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

WEB COPY

**W.P (MD) No.16525 of 2013**

J.Prakash

... Petitioner

Vs.

1. The Government of Tamil Nadu,  
Rep.by it Principal Secretary,  
Municipal Administration and  
Water Supply Department,  
Fort St.George, Secretariat,  
Chennai - 600 009.

2. The Commissioner of Municipal Administration,  
Ezhilagam, Chepauk, Chennai.

3. Rajapalayam Municipality,  
Rep.by its Commissioner,  
Rajapalayam,  
Virudhunagar District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 3<sup>rd</sup> respondent in O.Mu.No.c1/5578/13 dated 23.08.2013,quash the same and consequently direct the respondents to give compassionate appointment to the petitioner.

For Petitioner : Mr.M.Saravanan

For Respondents : Mr.V.Muruganandham,  
Additional Government Pleader,

### **ORDER**

The order of rejection dated 27.08.2013, in relation to the claim of the writ petitioner for companionate appointment, is under challenge in this writ petition.

2.The father of the writ petitioner Late Shri.E.Jeyakodi was employed in the 3<sup>rd</sup> respondent's Municipality and passed away on 22.09.2003, while he was in service. The writ petitioner submitted an application in the year 2008, after lifting of the ban for appointment by the Government. The application was rejected by the proceedings dated 23.08.2013, stating that the deceased employee was a temporary daily wage rated employee at the time of the death and therefore the scheme of companionate appointment is inapplicable to the writ petitioner. The application submitted by



the mother of the writ petitioner was rejected on the ground that there is no provision to provide appointment on compassionate grounds.

3. The learned Counsel appearing on behalf of the third respondent also has stated that the father of the writ petitioner was employed on a daily wage basis in a Pumping Station, therefore, the benefit of the scheme of companionate appointment cannot be extended to the legal heirs.

4. This Court is of the opinion that the scheme of companionate appointment is applicable only to the legal heirs of the permanent employees of the State and in respect of the temporary and contract labourers, the scheme of companionate appointment cannot be extended to their legal heirs. This apart, the scheme being a concession and an exception, the same cannot be extended beyond its scope by the authorities or by the Courts.

5. In this view of the matter, no further adjudication needs to be undertaken in respect of the grounds raised in this writ petition. Accordingly, the writ petition stands dismissed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary,  
Municipal Administration and  
Water Supply Department,  
Fort St. George, Secretariat,  
Chennai - 600 009.
2. The Commissioner of Municipal Administration,  
Ezhilagam, Chempauk, Chennai.
3. The Commissioner,  
Rajapalayam Municipality,  
Rajapalayam,  
Virudhunagar District.

+1cc to Mr. N. Dilip Kumar, Advocate Sr.No. 40720  
+1cc to Mr. R. Subramanian, Advocate Sr.No. 40422

DSK

VB/KK/SAR2/22/01/2018/2P/6C