



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.01.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.3587 of 2013

R.Muthumari

... Petitioner

-Vs-

1. The Chief Engineer(Construction),
Public Works Department,
Chepauk,Chennai - 600 005.
2. The Superintending Engineer,
Public Works Department,
(Building Construction and
Maintenance Division),
Tirunelveli - 627 002.
3. The Public Information Officer,
Office of the Executive Engineer.
Public Works Department,
Construction and Maintenance Division,
Virudhunagar.
4. The Executive Engineer,
Public Works Department,
Construction and Maintenance Division,
Virudhunagar.
5. The Assistant Executive Engineer
Public Works Department,
Construction and Maintenance Division,
Srivilliputhur
6. The Assistant Executive Engineer,
Public Works Department,
Construction and Maintenance Division,
Rajapalayam.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned rejection order passed by the second respondent in his proceedings in Lr.No.E2/1770/2012, dated 29.6.2012 and to quash the same and consequently to direct the respondents to give compassionate appointment to the Petitioner in a suitable post based on her qualification.



For Petitioner : Mr.M.Siddharthan
for M/s.Kalaiyarasi Bharathi

For Respondents : Mr.V.Muruganantham
Additional Government Pleader

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ORDER

The order of rejection, dated 29.6.2012 in respect of the claim of the Writ Petitioner for compassionate appointment, is under challenge in this Writ Petition.

2.The learned counsel for the Petitioner fairly submits that the father of the Writ Petitioner was a daily rated employee in the Public Works Department and the father of the Writ Petitioner late.Thiru T.Ramar was a Contract Labour on daily wages from the year 1996 till 3.12.2011. Thereafter, the father of the Writ Petitioner suddenly passed away on 1.1.2012.

3.The family, on account of the sudden demise, was in distress. They were in penurious circumstances. Accordingly, an application was submitted seeking appointment on compassionate grounds. The second respondent rejected the same on the ground that the father of the Writ petitioner was working as NMR in Public Works Department and his services were not regularized in permanent vacancy. Thus, the scheme of compassionate appointment is inapplicable in respect of a daily rated Contract Labourers.

4.Therefore, this Court is of the opinion that the scheme of compassionate appointment can be extended only to the legal heirs of a permanent employee and the said scheme cannot be extended to the casual or contract labourer, as per the terms and conditions of the scheme. The scheme being a concession, can never be claimed as a legal right. Concessional schemes should be implemented strictly in accordance with the terms and conditions enshrined the scheme itself. Thus the father of the Writ Petitioner who continued as NMR, the legal heirs including the Writ Petitioner is not eligible to avail the benefit of the scheme of compassionate appointment. Accordingly, there is no infirmity in respect of the order of rejection passed by the second respondent. Thus the Writ Petition is devoid of merits.

5.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar



To

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Rajapalayam.

Vsn

MV:GT:SAR3:11/01/2018/3P/7C

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