

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2019

CORAM :

THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.A.No.3984 of 2019

Miss E.Logeswari

.. Appellant

Vs.

The General Manager
Chennai Metropolitan Water Supply
and Sewerage Board
No.1, Pumping Station Road
Chintadripet
Chennai - 600 002.

.. Respondent

PRAYER: Appeal under Clause 15 of the Letters Patent against the order dated 11.10.2018 passed by the learned Single Judge in W.P.No.29956 of 2014.

Payer in W.P.No.29956 of 2014:

Writ Petition filed under Article 226 of the Constitution of India Praying for issuance of a Writ of Certiorari Mandamus calling for records from the respondent relating to the impugned order Na.No.SeKuVa/ PaMaNi/Nima4/ 7504/2014 dated 3.3.2014 and quash the same and direct the respondent to offer compassionate appointment to the petitioner.

For Appellant

: Mr.R.Rajaram

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JUDGMENT

(Delivered by SUBRAMONIUM PRASAD, J.)

The instant appeal is directed against the judgment dated 11.10.2018 passed in W.P.No.29956 of 2014, rejecting the claim of compassionate appointment raised by the appellant/petitioner.

2. The facts are not in dispute. The father of the appellant was employed as Field Worker in the Chennai Metropolitan Water Supply and Sewerage Board. He passed away in harness on 20.5.2003. His wife, i.e., the appellant's mother, filed an application on 15.7.2004 for appointment on compassionate ground. The said application was not considered. A second application has been filed on behalf of the appellant, who is the daughter of the deceased employee, stating that she should be given employment in the place of her mother. It is not disputed that the appellant was a minor when her father passed away.

3. The learned Single Judge, after elaborately referring to various case law, has come to a conclusion that the application of the appellant, being a second application, is contrary to the scheme of compassionate appointment. The learned Single Judge has also held that the very purpose of the said compassionate appointment is to mitigate the penury circumstance arising on account of the death of the government employee and, therefore, the application made by the daughter after a period of ten years of the death of the employee is not maintainable.

4. The learned counsel for the appellant would submit that either the appellant or the appellant's mother was entitled to compassionate appointment and the government was not correct in rejecting the application made for compassionate appointment by the appellant.

5. The appellant was a minor at the time of death of the employee. The appellant could not have been considered at all for employment at the time of the death of her father. The fact that the appellant obtained majority after ten years would not sustain the claim of the appellant to maintain a fresh application for appointment on compassionate basis. The learned Single Judge has dealt elaborately a number of judgments on the point and this Court does not feel the necessity of once again quoting all the judgments passed by the Hon'ble Supreme Court stating that the appointment on compassionate basis can be done only in accordance with the scheme and that compassionate appointment is not another mode of recruitment of a person.

For the foregoing reasons, the writ appeal is dismissed.

Sd/-

Assistant Registrar(CS)

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Sub Assistant Registrar

sasi

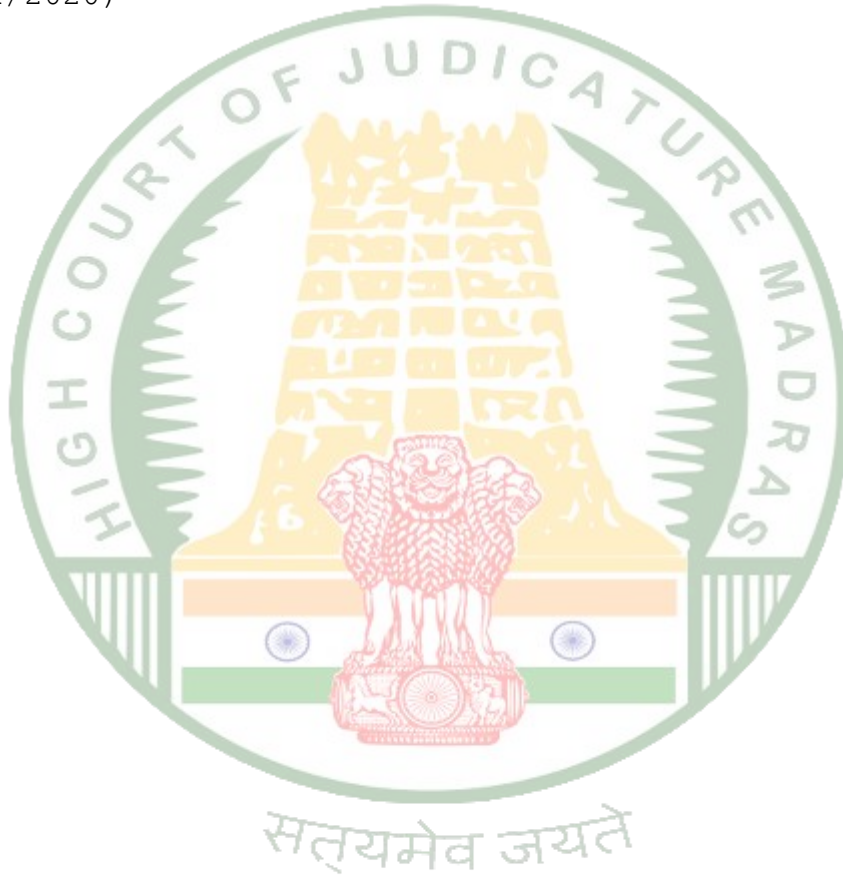
To:

The General Manager
Chennai Metropolitan Water Supply
and Sewerage Board
No.1, Pumping Station Road
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Chennai - 600 002.

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A.SK(06/01/2020)



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