

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2019

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.A No.390 of 2019

Pappammal @ Veerammal

...Appellant

Vs

1.The Commissioner of Police,
Office of the Commissioner of Police,
Vepperi, chennai -7.

2.The Joint Commissioner of Police,
Law and Order (North)
Office of the Commissioner of Police,
Veperi, Chennai -7.

...Respondents

Prayer:- Writ Appeal filed under clause 15 of Letters Patent, against the order made in W.P.No.27467 of 2018 dated 23.10.2018. Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus directing the respondents to consider the representation given by the Petitioner on 04.07.2014 on merits.

For Appellant : Mr.A.S.Balaji
for Mrs.Thenmozhi Shivaperumal

For Respondents: Mrs.A.Sri Jayanthi
Special Govt.Pleader

J U D G M E N T

(Delivered by K.K.SASIDHARAN,J.)

The writ petition filed by the appellant for giving her compassionate appointment was dismissed by the learned single Judge on the ground that her husband was removed from service pursuant to the disciplinary proceedings initiated against him. Feeling aggrieved, the appellant has come up with this intra court appeal.

2. The learned counsel for the appellant by placing reliance on the communication sent by the Joint Commissioner of Police, North Zone, Chennai Police, dated 20 March 2008 to the Director General of Police, Tamil Nadu, contended that there was a

recommendation to send the husband of the appellant for medical examination to ascertain his medical condition. The learned counsel would submit that in case he was medically invalidated, he would have been given certain benefits by the Department. The learned counsel further submitted that subsequently, the husband of the appellant died and the same resulted in submitting a representation by the appellant for compassionate appointment.

3. The learned single Judge rightly dismissed the writ petition filed by the appellant for a direction to the State to offer her compassionate appointment. There is no question of giving compassionate appointment to the legal heir of a person who was removed from service after initiating disciplinary proceedings. The concept of compassionate appointment is evolved not for such purpose.

4. The learned counsel for the appellant submitted that the appellant belongs to Scheduled Tribe community and as such, preference should be given to her children in case, they make application for appointment in Government service.

5. The documents available on record indicates that pursuant to the representation submitted by the husband of the appellant to the Chief Ministers' Cell, there was a direction to refer him to the Medical Board for assessing the medical disability. Even though a report to that effect was sent by the jurisdictional Joint Commissioner, follow up action was not taken to refer him to the Medical Board. In the meantime, the husband of the appellant died.

6. In view of all these circumstances and taking into account the fact that there was a specific direction to refer the husband of the appellant to the Medical Board, we direct the Government to consider the feasibility of sanctioning some amount of ex gratia as a special case. This direction is given taking into account the fact that the appellant is a member of Scheduled Tribe and helping hand should be shown by the Government.

7. The intra court appeal is disposed of with the above direction. No costs.
svki

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner of Police,
Office of the Commissioner of Police,
Vepperi, chennai -7.

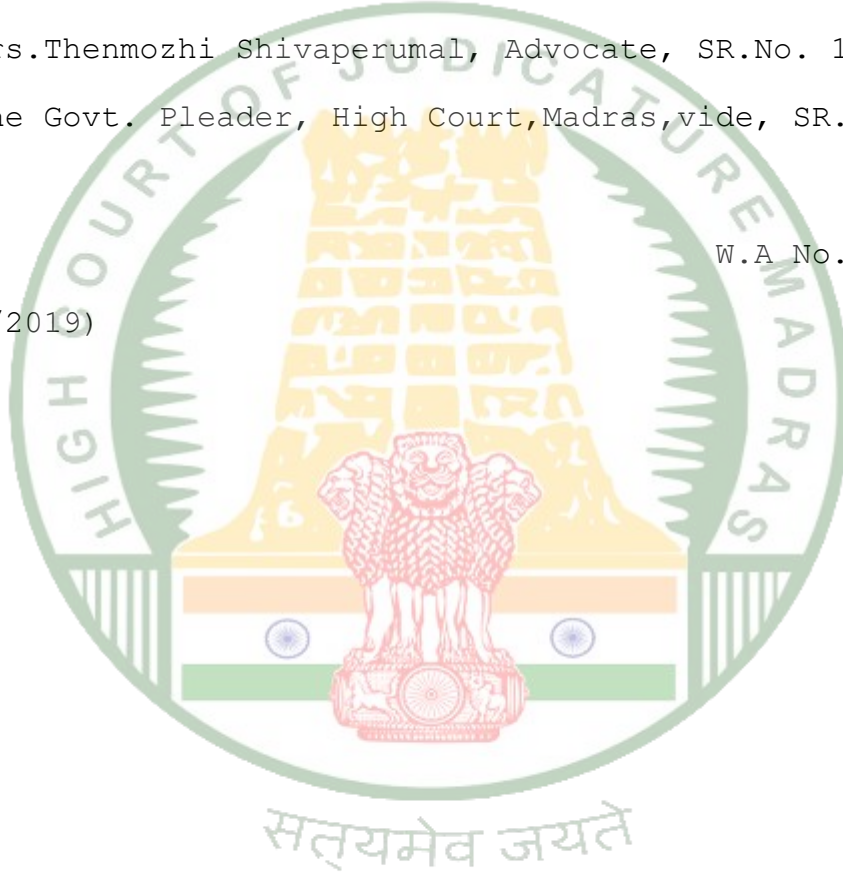
2.The Joint Commissioner of Police,
Law and Order (North)
Office of the Commissioner of Police,
Veperi, Chennai -7.

+1cc to Mrs.Thenmozhi Shivaperumal, Advocate, SR.No. 13888

+1cc to The Govt. Pleader, High Court,Madras,vide, SR.No. 14636

W.A No.390 of 2019

Kak(30/03/2019)



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