

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

W.A.No. 785 of 2019

B.Vinothkumar

... Appellant

-vs-

1. Secretary to Government
Government of Tamil Nadu
Agricultural Department
Fort St.George, Chennai 600 009

2. The Commissioner
Agricultural Department
Chepauk, Chennai 600 005

3. The Director
Agricultural Department
Chepauk, Chennai

4. The Joint Director
Agricultural Department
Lali Salai, Coimbatore

... Respondents

Write Appeal filed under Clause 15 of Letter Patent against the order in W.P.No.22609 of 2015 dated 11.10.2018 on the file of the High Court of Judicature at Madras.

Prayer in WP No.22609 of 2015: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, call for the records made in the impugned orders dated 06.03.2009 in Letter No.ANB-6/13426/2009 passed by the second respondent, consequential order dated 19.11.2013 in O.Mu.ANB-6/128236/2013 by the third respondent, quash the same and further direct the respondents to provide employment to the petitioner for compassionate appointment in any suitable post.

For Appellant	:	Mr.S.P.Sudalaiyandi
For Respondents	:	Mrs.A.Sri Jayanthi Special Government Pleader

J U D G E M E N T

[Judgement of the Court was delivered by P.T.ASHA,J.]

The above Intra-Court appeal is filed challenging the dismissal of the Writ Petition filed by the appellant. The appellant had challenged the order passed by the respondents denying him compassionate appointment.

2.The appellant's father who was employed as an Agricultural Assistant in the office of the Assistant Director of Agriculture, Mettupalayam had died in harness on 06.03.1984 leaving behind him surviving his wife, daughter who was aged 5 years and son, the appellant herein who was 3 years old. Since the mother was not qualified she had not sought for compassionate appointment. Thereafter, the application for compassionate appointment was made on 01.02.1999 by the appellant herein. The office in which his father was working at the time of his demise had recommended his candidature to the 4th respondent who in turn had forwarded the same to the 3rd respondent. The 3rd respondent by letter dated 08.12.1999 was pleased to recommend and forward the application to the 1st respondent. However, by order dated 02.02.2000, the 1st respondent had rejected the request for compassionate appointment.

3. Since there was a ban on compassionate appointment between the years 2001 - 2006 the appellant had renewed his request on 14.11.2007 when the ban was lifted. The 2nd respondent by order dated 06.03.2009 rejected the said application as belated. Thereafter the appellant had made an application to the Hon'ble Chief Minister's Grievance Cell from where the application was forwarded to the 3rd respondent. The 3rd respondent by order dated 19.11.2013 had rejected the request. Challenging this order the appellant had filed W.P.No.22609 of 2015. The learned Single Judge by order dated 11.10.2018 was pleased to dismiss the Writ Petition and challenging the said order the appellant is before this Court.

4. Heard Mr.P.Sudalaiyandi, learned counsel for the appellant and Mrs.A.Sri Jeyanthi, Special Government Pleader for the respondents.

5. From a perusal of the records it is evident that the application for compassionate appointment has been made only in the year 1999 nearly 15 years after the demise of the appellant's father who died in harness. Further the appellant was only 3 years old when his father died. The scheme for compassionate appointment is in place only to enable the family of the bread winner who died in harness to ride over the sudden

financial loss and indigent circumstances that they are thrown into on account of the sudden demise of the bread winner. Considering the fact that the 1st application itself was moved nearly 15 years after the demise of the employee it is evident that the appellant's family was able to sustain themselves for so many years. Further the death of an employee while in service does not give an automatic right of employment to the legal heirs of the deceased employee. In the case of the appellant, the earlier rejection order dated 02.02.2000 has not been challenged. In these circumstances we are not inclined to interfere with the order of the learned Single Judge.

5.The Intra-Court appeal stands dismissed. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

To

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BP (CO)
RR II (07/10/2020)