

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2019

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

Writ Appeal No.2099 of 2019

K.RajendranAppellant / Petitioner

Vs

1. The District Collector,
Namakkal District,
Namakkal.
2. The District Backward and Minority Welfare
Officer, Namakkal,
Namakkal District.Respondents

APPEAL filed under Clause 15 of the Letters Patent to set aside the order passed in WP No.26030 of 2017 dated 30.10.2018.

Prayer in WP No.26030 of 2017:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for records pertaining to the proceedings of the 2nd respondent in Na.Ka.111853/2013 (B1) dated 16.08.2017 and quash the same as illegal, incompetent and ultravires and consequently direct the 2nd respondent to appoint the petitioner on compassionate appointment in a suitable post as per the petitioner's qualification under the control of the 2nd respondent herein. सत्यमेव जयते

For Appellant : Mr.R.Jayaprakash

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

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.,)

The application submitted by the appellant for compassionate appointment was rejected by the District Backward and Minority Welfare Officer primarily on the ground that he has already completed 44 years of age and that he was not a class I legal

heir. The said order was unsuccessfully challenged before the Writ Court. Feeling aggrieved, the appellant has come up with this intra Court appeal.

2. Mr.R.Jayaprakash, learned counsel for the appellant contended that the appellant was the sole legal representative and as such he was eligible to make an application for compassionate appointment. According to the learned counsel, the mother of the deceased was old and as such it would not be possible for her either to make an application for compassionate appointment or to work, in case a job is offered on compassionate basis.

3. The sister of the appellant died on 27.04.2013. The appellant appears to have made an application for compassionate appointment on 23.02.2015. The appellant was aged about 44 years as on the date on which the application was made. Even otherwise, he was not eligible to make an application for compassionate appointment for the simple reason that he is not the class I legal heir.

4. The question of giving compassionate appointment would arise only in case the deceased is left with a legal heir in accordance with the provisions of the Hindu Succession Act. The mother being the class I legal heir, the brother of the deceased would not be eligible to make an application for compassionate appointment. The learned single Judge has rightly dismissed the Writ Petition. We do not find any reason to take a different view.

5. In the upshot, we dismiss the intra Court appeal. No costs.

Sd/-

Assistant Registrar (CS-VIII)

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To

Sub Assistant Registrar

1. The District Collector,
Namakkal District, Namakkal.
2. The District Backward and Minority Welfare
Officer, Namakkal, Namakkal District.

+1 cc to M/s.R.Jayaprakash, Advocate, S.R.No.62681

Writ Appeal No.2099 of 2019

NMI (CO)
SSM(03/09/2019)