

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2019

CORUM

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

Writ Appeal No.1497 of 2019

R.Maruthi Kumar

.... Appellant

Vs

1. The Commissioner
Greater Chennai Corporation,
Rippon Building, Chennai - 600 003.
2. The Zonal Officer,
Greater Chennai Corporation,
Zone - 8, No.36-B Pulla Avenue,
Shenoy Nagar, Chennai - 600 030.
3. The Secretary to Government,
Municipal Administration,
Water Supply Department,
Fort St. George, Chennai - 600 009.

..... Respondents

APPEAL filed under Clause 15 of the Letters Patent to set aside the order passed by this Honble Court made in WP.No.16720 of 2018 dated 04.03.2019.

WP.No.16720 of 2018:-

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus calling for the records and quash the impugned orders Ma.Aa.8 Na.Ka.No.C2/4461/2016 dated 22.11.2016 and Ma.Aa.8 Na.Ka.No.C2/4461/2016 dated 28.03.2017 issued by the 2nd respondent rejecting petitioners application and consequently direct the respondents to appoint the petitioner on compassionate Ground.

For Appellant : Mr.N.Beulah John Selvaraj

For Respondents: Mrs.Karthika Ashok - R1 & R2
Mrs.A.Sri Jayanthi, Spl.G.P. - R3

J U D G M E N T

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

The Writ Petition filed by the appellant seeking compassionate appointment after quashing the order passed by the Corporation of Chennai dated 28.03.2017 was dismissed by the learned single Judge. Feeling aggrieved the appellant has come up with this intra Court appeal.

2. We have heard the learned counsel for the appellant. We have also heard the learned Standing Counsel for the Corporation of Chennai.

3. The factual matrix indicate that the appellant was born on 15.08.1994. His mother died on 11.12.1998. Subsequently, the father of the appellant by name Ravi, who was an employee of Corporation of Chennai died on 14.08.2002. The appellant was a minor at the time of filing application for compassionate appointment. On 16.06.2016, the application was rejected by the Corporation on the ground of delay. The said order was put in issue before the Writ Court.

4. There is no dispute that the appellant was a minor as on the date on which his father died. The appellant appears to have attained majority in 2012. However, the fact remains that application for compassionate appointment was made only on 15.06.2016.

5. The concept of compassionate appointment is evolved to help the family of the deceased employee to tide over the temporary difficulties. It would not give a premium to the family to reserve a post indefinitely and to get the appointment after the legal heir attained majority. This aspect was considered by the learned single Judge and the Writ Petition was rightly dismissed. We do not find any reason to take a different view in the matter.

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

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Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

s1

To

1. The Commissioner
Greater Chennai Corporation,
Rippon Building, Chennai - 600 003.
2. The Zonal Officer,
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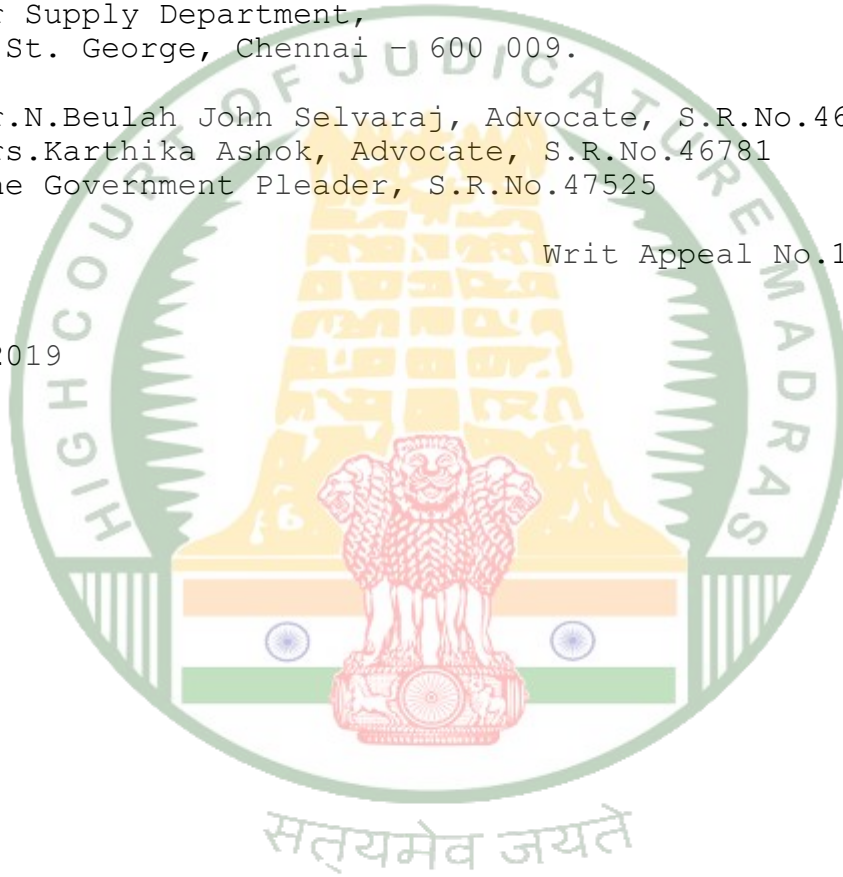
+1cc to Mr.N.Beulah John Selvaraj, Advocate, S.R.No.46859

+1cc to Mrs.Karthika Ashok, Advocate, S.R.No.46781

+1cc to the Government Pleader, S.R.No.47525

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