

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2019

CORAM:

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

W.A.No.1560 of 2019

Mrs.G.Lakshmi

.... Appellant

-vs-

- 1.The Commissioner
Greater Chennai Corporation
Rippon Building
Chennai 600 003
- 2.The Zonal Officer
Old Zone - I, New Zone IV
Greater Chennai Corporation
Tondiarpet
Chennai 600 081
- 3.The Assistant Executive Engineer
Unit X, No.13, Rathinasabapathy Street
Old Washermenpet
Chennai 600 021
- 4.The Secretary to Government
Municipal Administration, Water Supply
Department
Fort St.George
Chennai 600 009

.... Respondents

Write Appeal filed under Clause 15 of Letter Patent against the order dated 18.03.2019 made in W.P.No.22367 of 2018 on the file of the High Court of Judicature at Madras.

W.P.No.22367 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 order A.E.E./U2/817/2011 dated 16.9.2011 issued by the 3rd respondent and

consequently direct the respondents to appoint the petitioner on Compassionate Ground basis.

For Appellant : Mrs.N.Beulah John Selvaraj
For Respondents: Mrs.Karthika Ashok

J U D G M E N T

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

This Intra-Court appeal arises against the order dismissing the Writ Petition filed by the appellant seeking to set aside the order of the 2nd respondent dated 16.09.2011, rejecting her request for compassionate appointment.

2.It is necessary to briefly allude to the facts of the case for arriving at a conclusion in the above Writ Appeal:

The case of the appellant was that her father Gnanavelu was employed as a Malaria Desilting worker with the Chennai Corporation. He had expired on 14.03.2000, leaving behind him surviving his first wife, two daughters through his first wife, his second wife and the daughters of the second wife which included the appellant.

3.At the time of the death of her father the appellant was only 14 years old and a minor. Her mother had given an application for compassionate appointment to the 3rd respondent on 05.12.2003. Though they have received the said application no further action was taken in view of the ban order between the years 2001 to 2006.

4.After the ban was lifted on 26.02.2006, the appellant had submitted an application for compassionate appointment. This application has been given three years after the death of her father and on the appellant completing 18 years of age. Initially the 3rd respondent had requested the appellant to produce a family circumstances certificate which was produced by her. Thereafter a letter was sent to the appellant's school regarding the genuinity of the certificates. Meanwhile the appellant's mother had fallen sick and consequently the delay had occurred.

5.Ultimately, by order dated 16.09.2011, the 3rd respondent had rejected the request for compassionate appointment on the ground that it was belated . Challenging the said order the appellant had filed W.P.No.22367 of 2018, which was dismissed by order dated 18.03.2019. Challenging the order passed by the Writ Court, the appellant is before this Court.

6.Heard Mrs.N.Beulah John Selvaraj, learned counsel for the appellant/Writ petitioner and Mrs.Karthika Ashok, standing counsel for the respondents 1 to 3.

7.From a perusal of the papers it is seen that the first application was itself made three years after the death of the father and thereafter it was renewed in the year 2006.

8.The learned single Judge was right in concluding that the application was belated. It is seen that besides the appellant her mother and another sister could have very well approached the respondent for compassionate appointment. However, this was not done and the appellant who had attained majority in the year 2008, had made the first application in the year 2003 and thereafter on 15.10.2007 nearly 4 years after first representation.

9.While confirming the order passed by the learned single Judge we however observe that when a suitable post is advertised, preference shall be given to the appellant if she is otherwise eligible.

The Writ Appeal is dismissed with the above observation. There shall be no order as to costs.

-s/d-

Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

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To

1.The Commissioner
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2.The Zonal Officer
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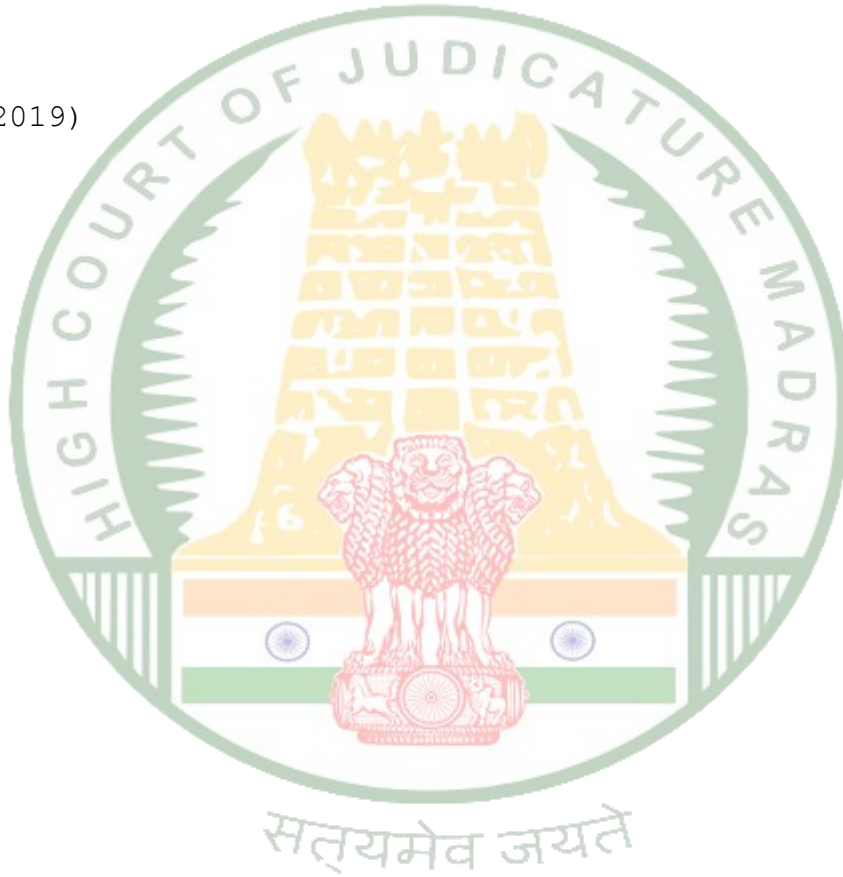
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+1 CC to The Govt. Pleader sr 49493.
+1 CC to M/s. Karthika, Advocate sr 49021.

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PPA(CO)
SP(18/07/2019)



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