

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.07.2019

CORAM

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P.No.18586 of 2019 and
W.M.P.No.17904 of 2019

P.Sennakesavan

... Petitioner

Vs.

1.The District Collector,
Salem District,
Salem.

2.The Revenue Divisional Officer,
Salem District, Salem.

3.The Tahsildar,
Valapadi Taluk,
Salem.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the first respondent dated 30.04.2019 made in Na.Ka.No.4027/2019/A5 and the order passed by the 2nd respondent dated 31.12.2007 made in Mu.Mu.10208/2007(A1) and to quash the same, consequently direct the respondents to provide an employment to the petitioner on compassionate ground for the death of his father Paramasivam, who died on 19.06.1993 during the course of his employment by appointing the petitioner in the services for a suitable post based on his educational qualification.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.J.Pothiraj
Special Government Pleader

ORDER

The petitioner's father was working as Panchayat Guard/Assistant. He died while in service on 19.06.1993. According to the petitioner, his mother has submitted a representation, at that point of time, seeking for compassionate appointment on the death of her husband and the respondents have rejected the representation on the ground that there was a prohibition for appointing women for the said post by the Government vide proceedings dated 11.08.1993.

2. Thereafter, it appears that the petitioner submitted a representation in the year 2017 for himself. However, the petitioner was informed that as his father was working as temporary employee, his request cannot be considered and returned the proposal. Thereafter, it appears that the petitioner has approached the National Commission for SC/ST and on the basis of certain direction by the Commission, the 1st respondent passed a final order on 30.04.2019 on the same ground that his father was working as temporary employee of Village Assistant and the Village Assistants were regularised only on 01.06.1995 whereas the petitioner's father died in 1993. The order dated 30.04.2019 rejecting the request of the petitioner is put to challenge in the present writ petition.

3. Although the order is passed on 30.04.2019, yet, the cause of action arose originally when the petitioner father died in 1993. It appears that the petitioner has moved the Commission for SC/ST on his request for compassionate appointment and it appears that some direction has been issued. However, even if any direction is issued by the Commission, the same cannot revive any cause of action which enure to the benefit of the petitioner, for his request to be considered in 2019, when the fact remains that the cause of action for the petitioner's claim had arisen as early as in the year 1993.

4. It is needless to mention that compassionate ground appointment is given to a member of the family, which was placed in an indigent circumstances on the death of the bread winner of the family on a principle of providing immediate assistance to the family that not after a period of 26 years. The petitioner is 31 years old person and has approached the respondents belatedly after a long period of time as if that the compassionate appointment could be kept pending for indefinite period of time. The claim of the petitioner is extremely stale and the same is hit by severe latches. Therefore, the writ

petition is liable to be dismissed on the ground of maintainability.

5. Therefore, the Writ Petition is dismissed on the ground that the claim of the petitioner is stale and hit by severe latches and cannot be entertained by this Court at this distance point of time notwithstanding the fact that the order of rejection dated 30.04.2019. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Sgl

To

- 1.The District Collector,
Salem District,
Salem.
- 2.The Revenue Divisional Officer,
Salem District, Salem.
- 3.The Tahsildar,
Valapadi Taluk,
Salem.

+1cc to Mr.C.Prabakaran, Advocate Sr.55211
+1cc to the Government Pleader Sr.55412

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srg 27/07/2019