

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2019

CORAM:

THE HONOURABLE MRS. JUSTICE V.PARTHIBAN
W.P.No.18742 of 2019

A.Lalitha

.. Petitioner

Vs

1. The Secretary to Government,
Home Department,
Fort St. George, Chennai-9

2.The Director General of Police,
DR.Radhakrishnan Road,
Mylapore, Chennai-600 004.

3.The Superintendent of Police,
Namakkal.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified mandamus to call for all the connected records of the third respondent made in proceedings in Na.Ka.No.A3/163/016782/2018 dated 24.07.2018 and to quash the same and consequently direct the respondents to consider the case of the petitioner's son namely A.Ramkumar for an appointment on compassionate grounds in any post.

For Petitioner : Mr.R.Velmurugan

For Respondents : Mr.J.Pothiraj, Spl. G.P.

ORDER

This writ petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to call for all the connected records of the third respondent made in proceedings in Na.Ka.No.A3/163/016782/2018 dated 24.07.2018 and to quash the same and consequently direct the respondents to consider the case of the petitioner's son namely A.Ramkumar for an appointment on compassionate grounds in any post.

2. The present writ petition has been filed seeking to challenge the order of the third respondent dated 24.07.2018, rejecting the request of the petitioner seeking for compassionate appointment. According to the petitioner, her husband namely A.Arivalagan was working as Constable in Armed Reserved Police and died on

27.07.2002, while he was in service leaving behind his legal heirs namely his son, two daughters, wife and mother. The petitioner appears to have submitted a representation dated 29.03.2004 to the third respondent seeking consideration for appointment on compassionate ground. At this, the third respondent vide proceedings dated 18.04.2006, requested the petitioner to provide the bio data of the petitioner including the details of the petitioner as to whether she knows to read and write Tamil and also requested to send a copy of the pension book of her husband.

3. According to the petitioner, she had complied with whatever requirement that she was sought for by the officials, but there was no action forthcoming in regard to the appointment of the petitioner on compassionate ground, even though a representation was made on 24.07.2018, after a period of 14 years seeking compassionate appointment for her son, who passed +2 exams. However, the same was rejected on the same day on the ground that the said representation was not made within a period of three years from the date of death of the petitioner's husband. Aggrieved by the rejection order dated 24.07.2018, the present writ petition has been filed.

4. Heard Mr.R.Velmurugan, learned counsel appearing for the petitioner and Mr.J.Pothiraj, learned Special Government Pleader appearing for the respondents.

5. It appears that the petitioner's husband died as early as on 27.07.2002 and the representation was made in the year 2018, The same has not been pursued all these years, as no details of such pursuit have been mentioned in the affidavit filed in support of this writ petition. Suddenly, after a period of 16 years, some representation appears to have been submitted seeking for compassionate appointment for her son. The said representation was rejected by the proceedings of the third respondent dated 24.07.2018 on the ground that the representation seeking for compassionate appointment was not made within a period of three years from the date of death of the deceased Constable.

6. The learned counsel for the petitioner would submit that the said application was made well within the time and therefore, the rejection of his representation is untenable and liable to be interfered with.

7. This Court is unable to appreciate such arguments

as early as on 27.07.2002. For the death of the deceased Constable in the year 2002, a representation was made only in the year 2018, after a period of 16 years. Even assuming that the earlier representation was made in the year 2004, that application was not pursued at all at the petitioner's end and thereafter, nothing has been stated in the affidavit as to what happened till 2018. The very fact that the family has survived without any employment assistance for 16 long years would show that they are not in need of employment assistance at all. The scheme for compassionate appointment is to provide immediate employment assistance to the family suffered from the loss of its bread winner and if the family was in indigent circumstances. Such appointment on compassionate ground cannot wait for indefinite period and to be extended to a member of the family of the deceased employee after a period of 17 years. The application/representation made by the petitioner on 20.08.2018, is hopelessly time barred and hit by severe laches and therefore, the third respondent has rightly rejected the same. This Court is unable to find any infirmity in the rejection order of the third respondent.

8. For the above said reasons, the writ petition is being devoid of merit, and the same is dismissed. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

सत्यमेव जयते

1. The Secretary to Government,
Home Department,
Fort St. George, Chennai-9
2. The Director General of Police,
DR.Radhakrishnan Road,
Mylapore, Chennai-600 004.
3. The Superintendent of Police,
Namakkal.

+1cc to Mr.R.Velmurugan , Advocate SR.No. 55628

+1 cc to Government Pleader Sr.No. 55980

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cp (CO)

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