

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.03.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17535 of 2018

S.Chandrakala

.. Petitioner

..vs..

1.The Chairman,
Chennai Port Trust,
No.1, Rajaji Salai,
Chennai – 600 001.

2.The Secretary,
Chennai Port Trust,
Administrative Office,
Rajaji Salai, Chennai – 600 001.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to give suitable job to the petitioner's son on the compassionate appointment basis by considering petitioner representation dated 30.08.2017 & 04.10.2017.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.J.Sathyanarayana Prasad

ORDER

The relief as such sought for in the present writ petition is for a direction to direct the respondents to give suitable job to the petitioner on compassionate appointment by considering his representations dated 30.08.2017 & 04.10.2017.

2. The learned counsel for the writ petitioner states that the husband

of the writ petitioner was working as Technician Grade – I (Electrical in Chennai Port Trust) and died on 21.08.2017, while he was in service. On account of sudden death of the husband of the writ petitioner, the family was in penurious circumstances. Thus, the writ petitioner submitted an application seeking appointment on compassionate grounds dated 30.08.2017 to provide appointment to her son. Again the petitioner sent a reminder on 04.10.2017 and in spite of that the appointment has not been provided. Thus, the petitioner is constrained to move the present writ petition.

3. The learned counsel appearing on behalf of the respondent opposed the contention by stating that the scheme of compassionate appointment is now restricted, pursuant to the order of Government of India. Only 5% of the vacancies alone can be filled-up by way of compassionate appointment and already 200 applications are pending for consideration under the scheme of compassionate appointment. In this regard, in paragraph Nos. 7 & 8 of the Counter affidavit, it is stated as follows:

7. "I submit that as per Government guidelines only 5% of vacancy arising in Direct recruitment can be filled in Class III & IV category under compassionate grounds.

In this regard, it is informed that the compassionate

appointment in the Trust has been considered based on the Government guidelines and orders issued from time to time. As on date, more than 200 dependants of the deceased employees registered their names for compassionate appointment since April 2009. As per Government guidelines only 5% of Direct recruitment vacancies can be filled in Class III & IV categories in a year and the Government has imposed restriction on filling up of entry level posts. Prior to April 2009, there were around 868 dependants have been considered for one time lump sum settlement as per Government orders No.LB – 16016/50/211-DO(L) dated 08.06.2012.

Further, it is informed that the filling up of Class – IV entry level categories have been dispensed by the Ministry vide letter No.A-12024/6/2013/PE-III dated 11.08.2015 and has given clearance to fill up only technical posts in operational department, which are absolutely essential. Further as on date more than 200 dependants are waiting in the list for compassionate appointment.

8. I submit that Shri.S.Deepak Sri Chandar, son of Late.G.K. Sridharan, Technician Gr, 1 (Elec.) M & EE Department informed that his case has been registered for Compassionate Appointment by assigning D.R.No.3016 vide this office letter No.SCT5/6231/2017/GA dated 08.11.2017 and Assigning Dependant Registration Number will not give any confirmation for compassionate appointment in the Trust. Accordingly, the petitioner had also been informed of the present

position.

At present there is a restriction on recruitment for entry level posts. Unless any order from the Government received in this regard, the petitioner's request for appointment in the Trust under compassionate grounds cannot be considered.”

4. In view of the fact that the scheme of compassionate appointment is to be provided strictly in accordance with the terms and conditions stipulated. This Court is of an opinion that any violation of terms and conditions of the scheme of appointment, no direction can be issued to consider the application, which will create an anomaly and deprive the other persons, who all are already waiting for compassionate appointment. In the event of issuing any such direction in the writ petitions, the persons who submitted applications prior to the application submitted by the petitioner would get affected. Under these circumstances, the writ petitioner has to wait for her turn or for the relaxation of any such rules or recruitment or for any ex-gratia payment by the Chennai Port Trust.

5. However, the relief as such sought for in the present writ petition

cannot be granted. Accordingly, the writ petition stands disposed of.
However, there shall be no order as to costs.

15.03.2019

Pns

Index:Yes

Internet:Yes

Speaking order

To

1.The Chairman,
Chennai Port Trust,
No.1, Rajaji Salai,
Chennai – 600 001.

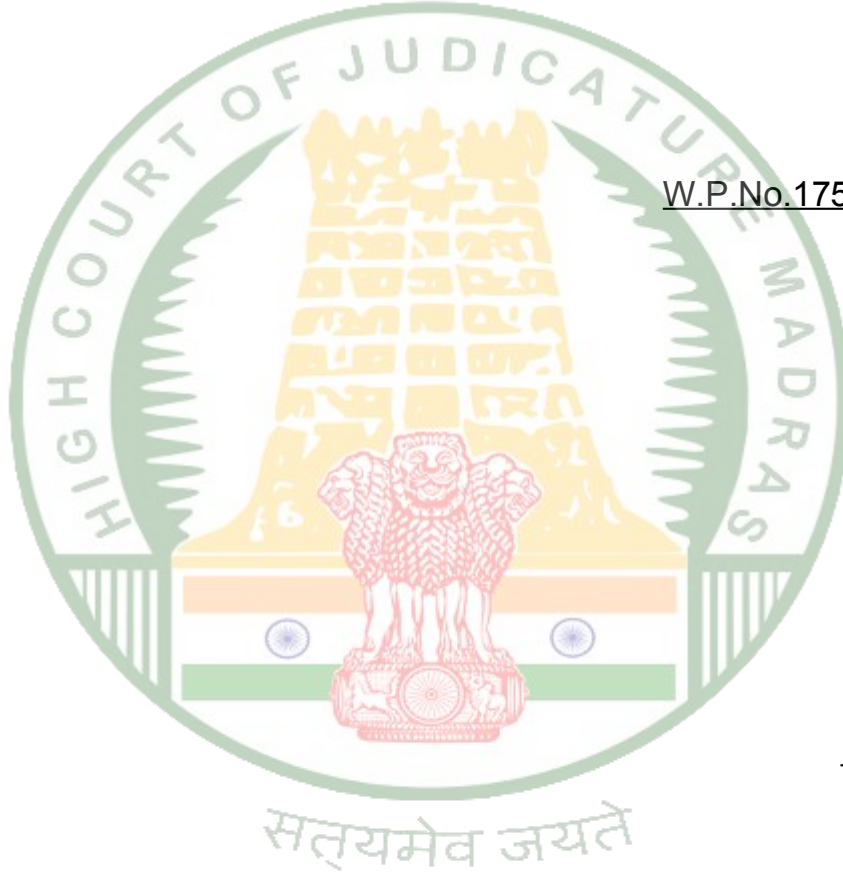
2.The Secretary,
Chennai Port Trust,
Administrative Office,
Rajaji Salai, Chennai – 600 001.



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S.M.SUBRAMANIAM J.

Pns



W.P.No.17535 of 2018

18.03.2019

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