

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.07.2019

CORAM

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P.No.21798 of 2019 and
W.M.P.No.21004 of 2019

M.Sampath

... Petitioner

Vs.

1.The Managing Director,
Chennai Metropolitan Water Supply
And Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai - 600 002.

2.The Secretary to Government,
Municipal Administration,
Water Supply Department,
Fort St. George, Chennai - 600 009.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records and quash the impugned orders K.No.Sa.Ku.Va / Pa. Ma. Nee/ Nee. Ma4/23670/2015 dated 10.08.2015 and K.No.Sa. Ku. Va/ Pa. Ma. Nee / Nee. Ma4 / 5518/2019 dated 07.03.2019, issued by the 1st respondent and consequently direct the respondents to appoint the petitioner on Compassionate Ground basis.

For Petitioner : M/s.Beulah John Selvaraj

For 1st Respondent :Mr.J.Pothiraj
Special Government Pleader

ORDER

The petitioner's father was employed as Kalapaniyalar in the respondent Board and he died in service on 21.08.1996. At the time of death, the deceased employee left behind the petitioner's mother and the petitioner. According to the petitioner, his mother gave an application for seeking compassionate appointment in 1998 and at that time, he was a minor. Since that was not considered, second application was made in the year 2009, when the petitioner attained majority.

But there was no consideration of the application and a further application was made on 21.07.2015, but the same was rejected on 10.08.2015 by the 1st respondent stating that the petitioner had not applied within three years from the date of death of his father. Once again the application was rejected on 07.03.2019. Therefore, the petitioner is before this Court challenging the latest rejection order dated 07.03.2019.

2.From the above narrative, it could be seen that the father of the petitioner died 23 years before and already applications have been sent and rejected twice. However, despite the same, the petitioner repeated his request and which evoked a further rejection order on 07.03.2019 which does not mean that the cause of action is revived and the petitioner can still seek to challenge the present rejection order.

3.The claim for compassionate appointment is extremely belated and such a stale claim cannot be sought to be revived by repeatedly submitting applications seeking compassionate appointment. The scheme for compassionate appointment is meant for providing immediate employment assistance to the family of the deceased and in this case, the employee expired as early as on 21.08.1996 and the very fact that the family has survived for 23 years would make him ineligible to be considered for compassionate appointment. Even otherwise, the petitioner is the only son and therefore, the writ petitioner cannot consider himself to be placed in indigent circumstances entitling him to be considered for compassionate appointment.

4.For the above said reason, this Court does not find any infirmity in the rejection order passed by the respondents and hence, the Writ Petition is devoid of merits and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sgl
To

1.The Managing Director,
Chennai Metropolitan Water Supply
And Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai - 600 002.

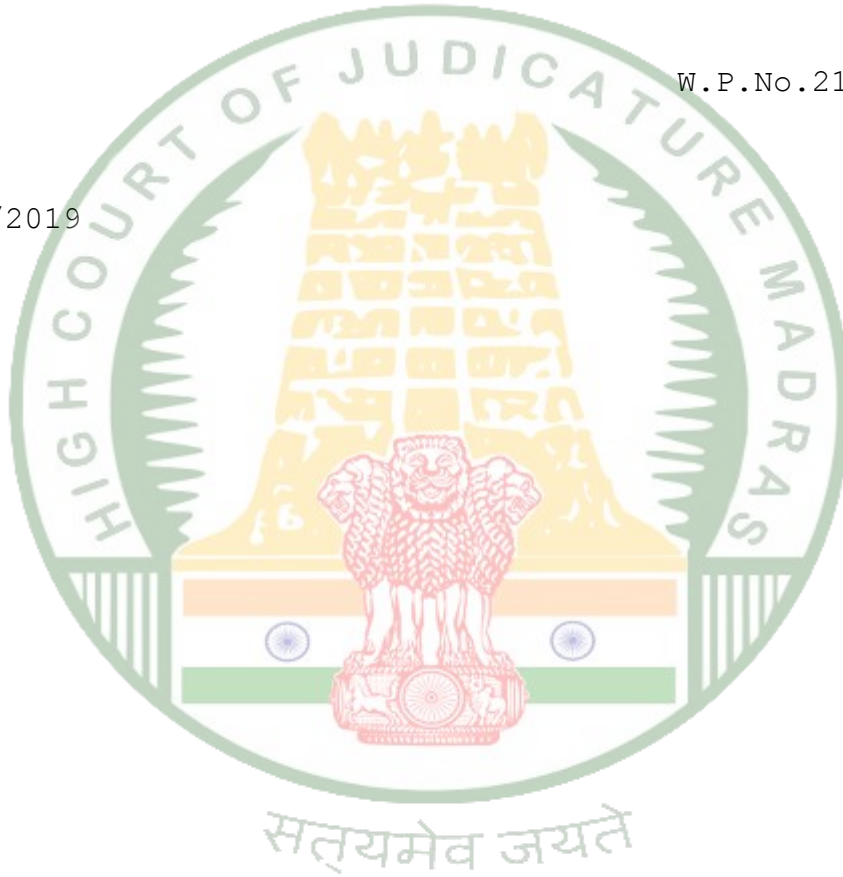
2.The Secretary to Government,
Municipal Administration,
Water Supply Department,
Fort St. George, Chennai - 600 009.

3.The Government Advocate,
High Court, Madras.

+lcc to the Government Pleader Sr.63807

W.P.No.21798 of 2019

vsn II[co]
srg 14/09/2019



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