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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 24.07.2019

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

Writ Petition No.21774 of 2019

D.Amaladass

...Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep by Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009.

2.The Director of Public Health & Preventive Medicine,
Chennai - 600 006.

3.The Deputy Director of Health Services,
Coimbatore.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of mandamus directing the first respondent to consider and pass order, on the claim of the petitioner in the light of his representation dated 07.03.2019 for appointment on compassionate grounds.

For Petitioner : Mr.M.Ravi,
for Mr.P.Kumaravel

For Respondents : Mr.K.K.Ramesh, A.G.P.

ORDER

The present writ petition has been filed seeking for appointment on compassionate ground on the death of the petitioner's wife, who was working as Rural Health Nurse, Government Primary Health Centre, Valparai, Coimbatore District, on 03.10.1994.

2.From the averments as contained in the affidavit it could be seen that the petitioner's request for compassionate appointment was not entertained all these years and in fact, it was rejected on 21.02.2012. Thereupon the petitioner requested



for reconsideration of the issue, vide his representation dated 15.04.2013 and 12.08.2014. The petitioner is 51 years old, as per his own declaration in the affidavit.

2.This Court finds that the cause of action originally had arisen in the year 1994, when the petitioner's wife died and such a stale claim of 25 years old is now sought to be revived by seeking a direction from this Court to dispose of his representations. This Court has time and again held that by seeking a seemingly innocuous prayer to dispose of the representation, a stale claim cannot be sought to be revived. In this case, precisely the petitioner is attempting to get such direction in order to revive an extremely stale claim, where the cause of action had arisen 25 years before.

3.Moreover, the petitioner is now 51 years old and is not eligible to be considered for compassionate appointment at all under any circumstances. Since the petitioner is survived for so long, the benefit of the Scheme of compassionate appointment, which provides for immediate employment assistance, cannot be extended to the petitioner. The petitioner's present claim for compassionate appointment is hopelessly belated, hit by severe laches and cannot be entertained even for a second.

4.For the above said reasons, the Writ Petition is not maintainable and even otherwise, it is devoid of merits and hence, the same is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrm/msk

To

1.The Secretary to Government,
Government of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009.

2.The Director of Public Health & Preventive Medicine,
Chennai - 600 006.



3.The Deputy Director of Health Services,
Coimbatore.

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+1cc to Mr.M.Ravi, Advocate Sr.64327

W.P.No.21774 of 2019

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srg 10/09/2019