

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date:14.08.2019

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

W.P.No.23516 of 2019 and
W.M.P.No.23313 of 2019

Murthy

...Petitioner

Vs.

1. The Chief Educational Officer,
Thiruvannamalai.

2. The Block Development Officer,
Anakkaavur,
Thiruvannamalai District.

...Respondents

Prayer: Petition filed under Article 226 of Constitution of India, for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 09.06.2014, passed by the 2nd Respondent in Na.Ka.Va.Aa.7/336/2014, quash the same and consequently direct the respondents to consider the petitioner's claim of compassionate appointment by appointing him in any suitable post in the place of his mother (late) Vellachiammal who died on harness on 28.05.2008 by considering his petition dated 16.04.2014.

For Petitioner : Mr.D.R.Arun Kumar

For 1st Respondent : Mr.K.Karthikeyan
Government Advocate

For 2nd Respondent : Mr.R.S.Selvam
Government Advocate

ORDER

The petitioner's mother was working as Head Cook in the Mid-Day Meal Scheme in Ukkal Higher Secondary School, Tiruvannamalai District. While in service, she died on 28.05.2008 leaving behind the petitioner's father, his brother, his sister and himself as her Legal Heirs. Subsequent to the death of his

mother, the petitioner's father also died on 18.10.2008. According to the petitioner, he was 23 years old at the time of the death of his mother and he was not aware of the scheme providing for consideration for compassionate appointment. After coming to know about the scheme for compassionate appointment, the petitioner appears to have submitted a representation to the Chief Minister's Special Cell on 16.04.2014 seeking for employment on compassionate ground. The said representation was forwarded to the 1st respondent and the same was in turn forwarded to the 2nd respondent. The 2nd respondent has rejected the request of the petitioner on 09.06.2014 on the ground that the application for compassionate appointment was not submitted within three years from the date of death of his mother. The said order passed in 2014 is the subject matter of challenge in the present writ petition.

2. From the above narrative, it could be seen that the petitioner's mother died as early as 28.05.2008 and after a period of six years, an application was made by the petitioner on 16.04.2014. Therefore, the authority concerned has rightly rejected the same on the ground that the application was not made within three years from the date of the death of the petitioner's mother. Subsequently, after a period of five years, the present writ petition has been filed challenging the order passed by the 2nd respondent dated 09.06.2014. In the entirety of the affidavit filed in support of the writ petition, there was no explanation as to why the writ petition has been filed after a delay of five years. Even the explanation for submission of application for compassionate appointment in 2014 was hardly convincing, which was in fact made after a period of six years. Therefore, the petitioner was to be held guilty of laches in respect of his application seeking compassionate appointment, which was made after a period of six years and also in respect of approaching this Court while filing the writ petition after a period of five years from the date of the rejection by the 2nd respondent. Unfortunately, it appears that there has been no proper explanation for such delay on both counts forthcoming from the petitioner.

3. The scheme for compassionate appointment provides for extending immediate employment assistance to the family which has been placed in indigent circumstances on the death of the bread winner of the family. In this case, the petitioner's mother died on 28.05.2008 and at the time, the petitioner was 23 years old, but had not chosen to make any application for compassionate appointment. The very fact that the family had survived for 11 years and the petitioner, being 36 years old, cannot seek employment assistance now. The petitioner is only

trying to revive the stale claim, which claim was actually rejected five years before. For the above said reason, this Court does not think that the present writ petition can be entertained and hence, the same is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The Chief Educational Officer,
Thiruvannamalai.
2. The Block Development Officer,
Anakkaavur,
Thiruvannamalai District.

+1 cc to M/s.R.S.Selvam, Advocate, S.R.No.69453

+1 cc to M/s.D.R.Arun Kumar, Advocate, S.R.No.69580

+1 cc to the Government Pleader, S.R.No.69734

W.P.No.23516 of 2019

PPA(CO)
SSM(19/09/2019)

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