

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.08.2019

CORAM

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P.No.23409 of 2019

Brinda

... Petitioner

Vs.

The Principal Chief Conservator of Forests,
Panagal Building,
Chennai - 600 015.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent herein to dispose of the application of the petitioner dated 15.05.2019 addressed to the Respondent herein seeking compassionate appointment and to pass suitable orders.

For Petitioner : Mr.S.P.Patel
For Respondent : Mr.G.B.Rajesh
Government Advocate

ORDER

The petitioner was the daughter of one Thiru.M.Dinesan, who was working as a Forest Ranger at Nilgiris North Division under the control of the respondent. He died while in service on 02.02.2003. According to the petitioner, on the death of her father, her brother applied for appointment on compassionate grounds on 25.02.2003. However, the said application was not pursued as her brother was not interested in the compassionate appointment. Thereafter, a representation was made on 07.01.2012 by the petitioner herein for appointment on compassionate ground. According to the petitioner, she was informed that the application was still under consideration. Since no orders have been passed, a reminder was lastly sent on 15.05.2019 and even thereafter, there has been no response and therefore, the petitioner is before this Court.

2.From the above narrative, it is clear that the cause of action seeking compassionate appointment has originally arisen in the year 2003, when the petitioner's father died on 02.02.2003. The petitioner has not properly explained as to why she has waited for 16 long years to approach this Court seeking for the relief as prayed for in the writ petition. The

petitioner's present age is 47 years old and she cannot expect the respondent to keep the issue of compassionate appointment for indefinite period.

3. Time and again, this Court has held that the scheme for compassionate appointment is intended to provide immediate employment assistance to the family of the deceased. Such immediate family assistant cannot be kept waiting as long as 16 years and such stale claim put forth on behalf of the petitioner cannot be considered at this distance of time. The very fact that the family have survived for 16 long years would disentitle them from being considered for compassionate appointment. Moreover, the petitioner is 47 years old and at this age, she cannot be considered for compassionate appointment, even assuming for a moment that the family has still been in indigent circumstances.

4. From whichever angle, the Court may look into, this Court does not find any merit in entertaining the stale claim of the petitioner after a period of 16 years. The seemingly innocuous prayer like the present one seeking for disposal of the reminder dated 15.05.2019 is in effect seeking to revive the old stale claim of the old year 2003 and in the circumstances, this Court does not think that such a writ petition could be entertained and direction granted. In the said circumstances, the Writ Petition is devoid of merits and therefore, the same is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Principal Chief Conservator of Forests,
Panagal Building, Chennai - 600 015.

+1 cc to M/s.S.P.Patel, Advocate Sr.No. 68394
+1 cc to The Government Pleader Sr.No.68145

AKM/24.09.19/2P-4C /

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