

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-04-2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26869 of 2018

M.Kumar

... Petitioner

Vs.

1.The Principal Chief Conservator of Forests,
Having Office at Panagal Maaligai,
Saidapet,
Chennai-600 015.

2.The District Forest Officer,
Thiruvallur District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records which culminated in the order passed in Na.Ka.No.1958/ 2018/P dated 12.6.2018 on the file of the second respondent, set aside the same and consequently direct the respondents to provide appointment to the petitioner in any suitable post such as Office Assistant, Watchman or any other post befitting his educational qualification on compassionate grounds within a period to be specified.

For Petitioner : Mr.T.Sellapandian
for Mr.S.Mani.

For Respondents: Mr.Thanga Vadhana Balakrishnan,
Additional Government Pleader
(Forests).

O R D E R

The order of rejection passed by the second respondent in proceedings dated 12.6.2018, rejecting the claim of the writ petitioner for appointment on compassionate grounds, is under challenge in the present writ petition.

2. The writ petitioner states that his father was employed as Forest Watcher and subsequently promoted to the post of Forester. The father of the writ petitioner died on 4.6.2014, while he was in service.

3. On account of the sudden demise of the father of the writ petitioner, the family of the writ petitioner was in penurious circumstances. Thus, an application seeking appointment on compassionate ground was preferred by the writ petitioner on 1.6.2015. The said application was rejected by the competent authorities in proceedings dated 12.6.2018 on the ground that as on the date of death of the deceased employee, the writ petitioner had completed the age of 35 years and therefore, he is over aged and not eligible for appointment to the Government Service.

4. The age limit prescribed for appointment in the Government Service is 35 years. The writ petitioner had completed the age of 35 years at the time of death of the deceased employee.

5. This being the factum, the reasons stated in the impugned order is in consonance with the terms and conditions of the Scheme of compassionate appointment. Thus, there is no infirmity, as such, and accordingly, this Court is not inclined to consider the case of the writ petitioner for appointment on compassionate grounds.

6. The Scheme of compassionate appointment is an exceptional one and the same cannot be claimed as a matter of legal right. The Scheme, being an exceptional one, is to be implemented strictly in accordance with the terms and conditions of the Scheme. The scope of the Scheme cannot be expanded, so as to deprive the eligible persons to secure appointment by participating in the open competitive process.

7. Under these circumstances, the writ petitioner, who was over aged, even at the time of death of the deceased employee, is not entitled to claim the benefit of appointment on compassionate grounds.

8. Thus, the writ petition is devoid of merits and the same stands dismissed. However, there shall be no order as to costs.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Chief Conservator of Forests,
Having Office at Panagal Maaligai,
Saidapet,
Chennai-600 015.

2.The District Forest Officer,
Thiruvallur District.

+1cc to the Special Government Pleader Sr.35125

WP 26869 of 2018

kk[co]
srg 30/04/2019



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