

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.03.2019

CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.30883 of 2018

R.Ramasundgari

...Petitioner

Vs

1. The District Collector,
Cuddalore District,
Cuddalore - 1.

2. The Tahsildar,
Virudhachalam Taluk Office,
Cuddalore Main Road,
Virudhachalam Town & Taluk,
Cuddalore District - 606 001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Certiorarified Mandamus, calling for the proceedings of the 1st respondent in Na.Ka.No.A1/1089/2018 dated 13.02.2018 as confirming by order of the 2nd respondent in O.Mu.A4/3674/2017 dated 07.07.2017, quash the same and consequently direct the respondents to appoint the petitioner in appropriate job on compassionate ground.

For Petitioner : Mr.G.Anabayachozhan

For Respondents : Mr.R.S.Selvam,
Govt. Advocate for R1 & R2

O R D E R
सत्यमेव जयते

The order of rejection dated 07.07.2017, rejecting the claim of the writ petitioner for compassionate appointment is under challenge in the present writ petition.

2. The father of the writ petitioner Late.Shri.N.Ramachandran was employed as Village Assistant at Vilankattur village and died on 02.12.1994 while he was in service . At the time of the death of the father of the writ petitioner, the writ petitioner was a minor and aged about one year old. Thus, he was not in a position to submit application seeking employment. However, the mother of the writ petitioner had not filed any application seeking appointment on compassionate grounds.

3. The learned Government Advocate brought to the notice of this Court that, the services of the father of the writ petitioner was regularized in the post of Village Assistant with effect from 01.06.1995 onwards. In other words, the father of the writ petitioner was brought under the regular establishment only with effect from the year 1995 and the father of the writ petitioner died on 02.12.1994 and during the relevant point of time, he was a temporary employment and not eligible to avail the scheme of compassionate appointment.

4. This apart, this Court is of the considered opinion that, the father of the writ petitioner died on 02.12.1994 and the very application seeking appointment on compassionate ground was filed by the writ petitioner only on 06.03.2017 after a lapse of 3 years from the date of the death of the deceased employee. Thus, the application itself is highly belated and during the relevant point of time, when the father of the writ petitioner expired he was not a regular employee of the Government and not entitled to avail the scheme of compassionate appointment.

5. Accordingly, the writ petition is devoid of merits and stands dismissed. No Costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Pkn

To

1. The District Collector,
Cuddalore District,
Cuddalore - 1.
2. The Tahsildar,
Virudhachalam Taluk Office,
Cuddalore Main Road,
Virudhachalam Town & Taluk,
Cuddalore District - 606 001.

+1cc to the Government Pleader, S.R.No.25743

W.P.No.30883 of 2018

KS(CO)

RRS (30/04/2019)