

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.04.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.30745 of 2018
and
W.M.P.No.35889 of 2018

M.Prabakaran

.. Petitioner

..Vs..

The Executive Officer,
Palacode Selection Grade Town Panchayat,
Dharmapuri District.

... Respondent

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of certiorarifiedMandamus, to call for the records on the file of the respondent in his Pro.Na.Ka.No.256/2016/Tha A dated 22/06/2016, quash the same and consequently directing the respondent to reconsider and pass orders on the representation dated 22.03.2018 regarding compassionate appointment in the light of the G.O.Ms.No.155 Labour and Employment Department dated 16.07.1993 in paragraph No.3 of the (extracted supra) in the light of the orders of this Hon'ble High Court in W.P.(MD)No.22015 of 2016 dated 17.11.2016.

For Petitioner : Mr.A.Baskaran

For Respondent : Mr.D.Suriyanarayanan
Additional Government Pleader

O R D E R

The order of rejection passed by the respondent, rejecting the claim of the writ petitioner for providing appointment on compassionate ground states that the wife of the deceased employee is also employed in the respondent Town Panchayat. Thus, the other legal heirs are not entitled to claim the benefit of the scheme of compassionate appointment.

2. The father of the writ petitioner late Sri. S.Madesh was employed as Sweeper in the respondent Town Panchayat and died on 01.04.2015, while he was in service. Even at the time of death of the father of the writ petitioner, the mother of the writ petitioner was also employed in the respondent Town Panchayat Union. Thus, the Competent Authorities rejected the claim of the

writ petitioner to provide appointment on compassionate grounds.

3. The learned counsel for the writ petitioner states that the mother of the writ petitioner is not supporting the family, and therefore, the benefit of compassionate appointment is to be provided. Such an explanation, provided by the writ petitioner cannot be accepted, in view of the fact that every employee will claim that the wife of the deceased employee is not supporting, for the purpose of securing employment. Thus, mere statement, in this regard, are not sufficient and this apart, when the wife of the deceased employee is also employed in the Town panchayat, the scheme of compassionate appointment cannot be extended to the other legal heirs of the deceased employee. The scheme being a concession can never be claimed as matter of legal right. The scheme being a special one, cannot be extended one employment to the legal heirs of the deceased employee. The scheme has got a particular purpose and object, and the very object is to mitigate the circumstances arisen on account of sudden death of an employee.

4. In the present case on hand, the wife of the deceased employee is also in service and this Court is of an opinion that the family would not be in penurious circumstances. Under these circumstances, the order of rejection issued by the respondent is inconsonance with the terms and conditions of the scheme of compassionate appointment and there is no infirmity as such.

5. Accordingly, the present writ petition is devoid of merits and stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

Pns

To

The Executive Officer,
Palacode Selection Grade Town Panchayat,
Dharmapuri District.

+lcc to Mr.A.Baskaran, Advocate SR.No.35202

W.P.No.30745 of 2018
and

W.M.P.No.35889 of 2018

SSI (CO)
GMY (30/05/2019)