

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.03.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31812 of 2018

Mr.B.Syed Kabeer Ahamed

... Petitioner

..vs..

- 1.The Director,
Government of Tamil Nadu,
Motor Vehicle Maintenance Depot,
Velachery, Chennai - 600 042.
- 2.The General Manager,
Government of Tamil Nadu,
Motor Vehicle Maintenance Depot,
Velachery, Chennai - 600 042.
- 3.The Secretary to Government,
Metropolitan Transport Corporation Department,
Fort St.George, Chennai - 600 009. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to give compassionate ground appointment in favour of petitioner.

For Petitioner : Mr.N.Beulah John Selvaraj

For Respondents : Mr.R.S.Selvam, Government Advocate

O R D E R

The relief as such sought for in the present writ petition is for a direction to direct the respondents to give appointment on compassionate grounds.

2. The father of the writ petitioner Late Baba, who was employed as Special Grade Lainer under the Government of Tamil Nadu and died on 06.11.2011, while he was in service. The mother of the writ petitioner also expired on 23.01.2012. On account of sudden demise of the deceased employee, the family was in penurious circumstances.

3. The writ petitioner submitted an application seeking appointment on compassionate grounds on 20.03.2014 and the same was not considered. Subsequently, the writ petitioner earlier filed W.P.No.2559 of 2017 and this Court passed an order directing the respondents to consider the representation.

4. The learned Government Advocate appearing on behalf of the respondents states that the name of the writ petitioner is placed in the Seniority List and in accordance with the Seniority list, the case of the writ petitioner will be considered by the Competent Authority for providing appointment on compassionate grounds. Even as per the, Government order 5% of the posts are to be reserved for compassionate appointees and when 5% of the posts are reserved for compassionate appointees, the authorities competent has to maintain the list of seniority and the case will be considered in accordance with the terms and conditions of scheme and by following the Rule of seniority.

5. Undoubtedly, the family circumstances may be indigent. However, the scheme of compassionate appointment is to be implemented strictly in accordance with the terms and conditions of the scheme. Any violation in this regard would cause infringement of rights to all other citizen, who all are eligible and aspiring to secure public employment.

6. This being the factum, this Court cannot deviate the process by showing misplaced sympathy. It is not the purpose of the scheme to provide one employment to the one legal heir of the deceased employee. Contrarily, the scheme is implemented to mitigate the circumstances arisen on account of the sudden death of the employee. Thus, the competent authorities must follow the rules strictly, in its real spirit and by following the terms and conditions stipulated by the Government by way of orders or rules.

7. In the present case on hand, the name of the writ petitioner has already been under consideration and whenever, the turn comes, the name of the writ petitioner shall be considered as per the rules in force and by following the eligibility criteria and other conditions stipulated in the scheme of compassionate appointment. This being the factum, the relief as such sought for cannot be granted and the case of the writ petitioner is considered as per the list of seniority by following the rules in force.

8. With these observations, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Director,
Government of Tamil Nadu,
Motor Vehicle Maintenance Depot,
Velachery, Chennai - 600 042.
 - 2.The General Manager,
Government of Tamil Nadu,
Motor Vehicle Maintenance Depot,
Velachery, Chennai - 600 042.
 - 3.The Secretary to Government,
Metropolitan Transport Corporation Department,
Fort St.George, Chennai - 600 009.
- +1cc to the Government Pleader sr.25746
+1cc to M/S.N.Beulah John Selvaraj, Advocate Sr.25803

W.P.No.31812 of 2018

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srg 27/04/2019

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