



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2019

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.11060 of 2013
and
M.P. (MD) .Nos.1 and 2 of 2013

P.Pandi

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Commissioner,
East Zone,
Madurai Corporation,
Madurai.

... Respondents

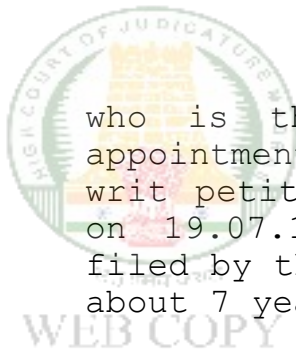
PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the list of ineligible candidates drawn y the first respondent in NIL dated and quash the same in so far as the inclusion of the petitioner as ineligible candidate in Serial No.42 of the list on the ground of time barred application for appointment on compassionate ground is concerned and consequently, direct the respondents to give appointment to the petitioner on compassionate ground.

For Petitioner: Mr.C.K.M.Appaji
For R1 & R2 : Mr.R.Muralai

ORDER

The list of ineligible persons for providing appointment on compassionate grounds wherein the name of the writ petitioner is found is under challenge in the present writ petition.

2.The learned counsel for the writ petitioner states that the mother of the writ petitioner was employed as Sweeper in the Public Health Wing in Madurai Corporation. She was medically invalidated from service and she was receiving invalidation pension. In view of the fact that the medically invalid employees are eligible to avail the benefit of the compassionate appointment, the writ petitioner,



who is the son of the employee filed an application seeking appointment on compassionate grounds. However, the mother of the writ petitioner was medically invalidated and retired from service on 19.07.1993. However, the application seeking appointment was filed by the writ petitioner herself on 23.01.2001, after a lapse of about 7 years from the date of retirement.

3. In view of the fact that the very application seeking appointment on compassionate grounds was filed after a lapse of 7 years from the date of retirement on medical grounds, the case of the writ petitioner was not considered and his name was included in the list of ineligible person and the said list is under challenge.

4. The learned counsel for the writ petitioner states that there was a delay in settling the terminal benefits and therefore, the petitioner was not in a position to submit an application seeking appointment. Settlement of terminal and pensionary benefits is no way connected with the claim of compassionate appointment. Soon after, the retirement of the mother of the writ petitioner on medical grounds, the writ petitioner ought to have submitted an application seeking appointment. Even at the time of filing of the writ petition, the writ petitioner was aged about 40 years and now he would be around 46 years. Thus he is now over-aged. The very application was submitted after a lapse of 7 years from the date of retirement of the mother of the writ petitioner and therefore, the decision of the respondent in not providing appointment on compassionate grounds is very much in consonance with the terms and conditions of the scheme of appointment. The scheme of compassionate appointment, on exception cannot be extended after a lapse of many years. In the present case, the mother of the writ petitioner was allowed to retire from service on 19.07.1993 and the application itself was filed in the year 2001. The writ petition was filed in the year 2013 and now 26 years were lapsed. Under these circumstances, the scheme of compassionate appointment cannot be extended after a lapse of 26 years from the date of retirement of the mother of the writ petitioner on medical grounds. In view of the facts and circumstances of the case, the relief as such sought for in the present writ petition cannot be granted.

5. In view of the above, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar



To

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Commissioner,
East Zone,
Madurai Corporation,
Madurai.

+1 CC to M/s.R.MURALI, Advocate (SR-80487[F] dated 08/08/2019)

W.P. (MD) No.11060 of 2013

and

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NS

MS/23.09.2019/3P.4C