



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.06.2019

CORAM:

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.15634 of 2015

Dinesh

... Petitioner

-Vs-

1.The Principal Secretary to Government,
Municipal Administration and
Water Supply Department,
The Secretariat, Chennai-9.

2.The Executive Engineer,
TWAD Board, DSP Division,
Kovilpatti, Tuticorin District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to give compassionate appointment to the petitioner for death of his Adoptive Mother R.Gomathy, who was died on 15.05.2015 while on service in the second respondent office.

For Petitioner : Mr.R.Murugappan
For R1 : Mr.K.Mu.Muthu,
Additional Government Pleader.
For R2 : Mr.Porkodi Karnan

ORDER

The relief sought for in the present Writ Petition is for a direction to direct the respondents to give compassionate appointment to the writ petitioner on account of the death of his adoptive mother, namely, R.Gomathy, who died on 15.05.2015, while she was in service.

2.The writ petitioner even at the time of filing of the writ petition was aged about 35 years. Now, he would be around 40 years. The writ petitioner claims that he was adopted by R.Gomathy, by way of an adoption deed dated 01.06.2009. The date of adoption was registered before the Sub Registrar Office. The adoptive mother was a divorcee and she had no children. The relationship between the writ petitioner as well as the adoptive mother prior to the adoption, was not established in the affidavit filed in support of the Writ Petition. The adoptive mother of the



writ petitioner was employed as Assistant in the office of the second respondent and she died on 15.05.2015, while in service.

3.The entire affidavit is silent in respect of the relationship between the adoptive mother as well as the writ petitioner prior to the adoption. Even at the time of adoption deed, the writ petitioner was aged about 29 years and he filed this Writ Petition at the age of 35 years. The sequences narrated in the affidavit filed in support of the Writ Petition raise a doubt in respect of the genuinity of the adoption.

4.The adoption deed must be in consonance with the provisions of the statutes. Certain facts and circumstances provided in the Writ Petition create a ground for drawing a factual inference that the adoption itself is no genuine and cannot be trusted upon for the purpose of providing an appointment on compassionate ground.

5.The adoption deed seems to have created for the purpose of securing an employment on compassionate ground. At no such point of time, one can believe a man of the year 29, was adopted by a woman, who was a divorcee and aged about 54 years. This apart, the said adoption cannot be utilized for the purpose of securing an employment on compassionate ground.

6.On a perusal of the entire records filed in the Writ Petition, a doubt arises that all such efforts are taken only for the purpose of securing employment into Government service. Such an attempt can never be encouraged by the Courts. Even certain documents created cogently by following the procedures, the Court has to draw certain factual inference and possibilities for the purpose of granting relief. The relief cannot be granted in a Writ Petition, merely on the ground that the documents filed in the Writ Petition are clear. The High Court being the Court of record, has to consider the entire facts and circumstances, for granting remedy in the Writ proceedings.

7.This being the principles to be followed, the scheme of compassionate ground now at the age of 40, cannot be granted to the writ petitioner, the writ petitioner is not only over aged, but genuinity of the claim itself cannot be trusted upon. Under these circumstances, this Court is not inclined to consider the relief as such sought for in the present Writ Petition.



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8. Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To
The Principal Secretary to Government,
Municipal Administration and
Water Supply Department,
The Secretariat, Chennai-9.

+1CC TO M/S.SPECIAL GOVERNMENT PLEADER SR.NO.70925
+1CC TO M/S.PORKODI KARNAN, ADVOCATE, SR.NO.70772
+1CC TO M/S.POLAX LEGAL SOLUTIONS, ADVOCATE, SR.NO.70583

W.P (MD) No.15634 of 2015
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BUC (01/07/2019) /3P/5C