



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.17967 of 2015

WEB COPY

A.Karunanidhi

... Petitioner

-Vs-

1.The Director of Elementary Education,
College Road, Chennai-600 006.

2.The Chief Educational Officer,
Trichirappalli.

3.The District Educational Officer,
Lalgudi, Trichirappalli District.

4.The District Education Officer,
Karur.

5.The Assistant Elementary Education Officer,
Kadavur Union, Karur District.

6.The Assistant Elementary Education Officer,
Mannachanallur, Trichirappalli 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 dispose of the petitioner's representations dated 29.01.2011 and 09.11.2011 by fixing a time limit and to give compassionate appointment to the petitioner in any one of the posts according to the petitioner's qualification.

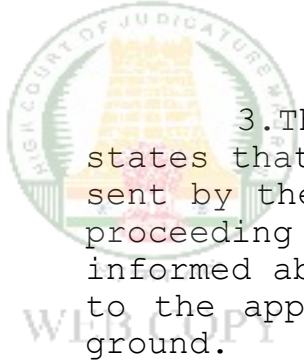
For Petitioner : Mr.A.Thirumurthy

For Respondents : Mrs.S.Srimathy,
Special Government Pleader.

ORDER

The relief sought for in the present Writ Petition is to direct the respondents to dispose of the petitioner's representations dated 29.01.2011 and 09.11.2011 by fixing a time limit and to give compassionate appointment to the petitioner in any one of the posts according to the petitioner's qualification.

2.It is an unfortunate case, where the deceased employee passed away on 18.12.1988, while in service. The writ petitioner is the son of the deceased employee, namely, N.Arasu, who was employed as Assistant Teacher in Panchayat Union Middle School, Puduvadi, Kadavur Union, Karur District.



3.The learned counsel appearing for the writ petitioner states that the case of the writ petitioner was considered and reply sent by the Chief Educational Officer / second respondent herein in proceeding dated 16.07.1990, shows that the writ petitioner was informed about the progress made in the consideration with reference to the application submitted, seeking appointment on compassionate ground.

4.The learned counsel appearing for the writ petitioner states that several reminders were sent by the writ petitioner and the representations submitted on 29.01.2011 and 09.11.2011 are yet to be considered by the respondents.

5.The admitted fact to be considered in the present Writ Petition is that the deceased employee passed away on 18.12.1988 and application submitted on 12.03.1990 was considered and no appointment was provided. Thereafter, the writ petitioner submitted representations on 29.01.2011 and 09.11.2011 and the said representations are yet to be considered. The writ petition itself was filed on 01.10.2015, after a lapse of about 4 years from the date of the representations submitted by the writ petitioner during the year of 2011. At the outset, the employee died in the year 1988, application submitted during the year 1990, not considered representations submitted during the year 2011 are kept pending. The writ petition filed, after a lapse of four years, from the date of representations submitted by the writ petitioner. Now, it is taken up for final hearing during the year 2019. Thus, there is a delay of 31 years from the date of the death of the deceased employee and there is a consistent delay, even in pursuing remedy by the writ petitioner. The person, who had slept over his right, cannot wake up one fine morning and knock the doors of the Court for the purpose of redressal of the remedy. Such course is impermissible and the rights are to be established vigilantly, and within a reasonable period of time. The Courts have repeatedly, held that compassionate appointment cannot be granted, after a lapse of many years. Now, 31 years lapsed from the death of the deceased employee and therefore, this Court is not inclined to consider the writ petition for grant of relief as such sought for in the present Writ Petition.

6.The learned counsel appearing for the writ petitioner states that representation may be directed to be disposed by the respondent.

7.Such a relief would not serve any purpose. This disposal of representation mantra is increasingly permeating the judicial process in the High Court and Tribunals. Such orders may make for quick or easy disposal of the cases in overburdened adjudicatory institutions. But, they do no service to the cause of justice. The litigant is back again before the Court, as this case shows, having incurred attendant costs, and suffered delays of the legal process. When the writ petitioner is not able to establish his right to secure the appointment on compassionate ground, the question of



considering the writ petition for issuing a direction to consider the representation does not arise at all.

8. With these observations, this Writ Petition is dismissed.
No costs.

WEB COPY

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Director of Elementary Education,
College Road, Chennai-600 006.
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- +1 CC to Mr. A. THIRUMURTHY, Advocate SR-69523.
+1 CC to SPL GP SR-69744.

W.P (MD) No. 17967 of 2015
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CS: (02/07/2019) 3P 9C