



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.5017 of 2014

WEB COPY

A.Saravanakumar

... Petitioner

vs.

- 1.The Secretary to Government
Labour and Employment (Q1) Department
Fort St.George, Chennai-6
- 2.The Secretary to Government
Municipal Administration and
Water Supply Department
Fort St.George, Chennai-6
- 3.The Director of Town Panchayats
Kuralagam, Chennai
- 4.The District Collector
Kanyakumari District
Nagercoil
- 5.The Assistant Director of Town Panchayats
Collectorate, Nagercoil
- 6.The Executive Officer
Kallukoottam Town Panchayat
Kanyakumari District

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to appoint the petitioner in the post of Junior Assistant in any of the Town Panchayats.

For Petitioner : Mr.C.T.Perumal

For Respondents : Mr.D.Muruganandham

<https://hcservices.ecourts.gov.in/hcservices/> Additional Government Pleader

**ORDER**

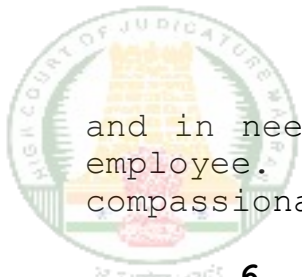
The relief sought for in the present writ petition is for a direction to the respondents to appoint the writ petitioner in the post of Junior Assistant in any one of the Town Panchayats.

2. The writ petitioner states that he was appointed as Record Clerk on compassionate grounds. The father of the writ petitioner was employed as Junior Assistant and died on 03.09.2007, while he was in service. Thus, the case of the writ petitioner was considered for appointment on compassionate grounds and he was appointed as Record Clerk. After securing appointment to the post of Record Clerk on compassionate grounds, the writ petitioner submitted another application to appoint him as Junior Assistant on compassionate grounds.

3. The person appointed on compassionate grounds cannot claim any further higher post on the same compassionate appointment scheme. The scheme of compassionate appointment can be provided at once and in respect of all further promotions or appointments to the higher post, the writ petitioner has to participate in the selection process. It is not as if all further promotions or appointments to the higher posts can be done on compassionate grounds. Such a course of claim by the candidates, who were appointed on compassionate grounds, is impermissible. The scheme of compassionate appointment once provided, the application for appointment stands closed and all further promotions and fresh appointments are to be made strictly in accordance with the recruitment rules in force.

4. The relief coined in the writ petition is the extreme form of greediness expressed by the writ petitioner. There is no end for greediness for humans. However, a public servant must realize that an opportunity to serve the public must be utilised with full devotion. Contrarily, such claims are made based on certain ideologies, which are all impermissible under law.

5. The scheme of compassionate appointment itself is a concession. The claim of compassionate appointment, being a special scheme, is already held as violation of Articles 14 and 16 of the Constitution of India. Recruitment Rules were not followed, rule of reservation was not followed, merit assessment was not made. Simply on the ground of death of an employee, the benefit of compassionate appointment was given. What would be the efficiency level in public administration, if such appointments are provided in large scale. In the event of extending the scope of such special schemes unconstitutionally, we are losing the spirit of constitutional philosophy and ethos. Thus, the claim for compassionate appointment is to be restrained to the extent possible, so as to provide appointment only to genuine cases, where the family was in distress



and in need of emergent help on account of the sudden death of an employee. This being the purpose and object of the scheme of compassionate appointment.

6. For all these reasons, the writ petition is devoid of merits and accordingly, the same is dismissed. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

To:

- 1.The Secretary to Government,
Labour and Employment (Q1) Department,
Fort St.George, Chennai-6.
- 2.The Secretary to Government,
Municipal Administration and
Water Supply Department,
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- 3.The Director of Town Panchayats,
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- 4.The District Collector,
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- 5.The Assistant Director of Town Panchayats,
Collectorate, Nagercoil.
- 6.The Executive Officer,
Kallukoottam Town Panchayat
Kanyakumari District.

+1cc to Mr.C.T.PERUMAL, Advocate, SR.No. 73609

+1cc to M/s.Special Government Pleader, SR.No. 73813

W.P. (MD) No.5017 of 2014

04.07.2019

KRK

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