



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.9596 of 2015

and

M.P.(MD) No.1 of 2015

M.Ramprasad

... Petitioner

vs.

1.The District Collector
Theni District

2.The Commissioner of Revenue Administration
Chepauk, Chennai-6

3.The District Revenue Officer
Uthamapalayam, Theni District

4.The Revenue Divisional Officer
Uthamapalayam, Theni District

5.M.Eswara Prasath

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records from the 1st respondent relating to the impugned order of the 1st respondent in Na.Ka.No.A2/47639/2007 dated 25.05.2015 and to quash the same and consequently direct the respondents to appoint the petitioner on compassionate grounds by considering the petitioner's representation dated 19.12.2014.

For Petitioner : Mr.A.K.Manickam

For Respondents : Mr.K.Mu.Muthu

Additional Government Pleader for R1 to R4
Mr.R.Suriyanarayanan for R5

O R D E R

The rejection of the claim of the writ petitioner for compassionate appointment in proceedings, dated 25.05.2015, by the first respondent, is under challenge in the present writ petition.

2. The father of the writ petitioner, who was Personal Assistant to the Revenue Divisional Officer, passed away on 20.08.2007, while he was in service.



3. The learned counsel for the writ petitioner states that the writ petitioner is the son of the second wife of the deceased employee. As such, he submitted applications seeking appointment on compassionate grounds. Though the learned counsel for the writ petitioner states that the writ petitioner submitted applications seeking appointment on compassionate grounds from 17.09.2007 onwards on different dates, there is no proof to show that such applications were received by the authorities competent. However, the first respondent referred to the application submitted by the writ petitioner on 22.12.2014 and 25.05.2015 in the impugned order. In the absence of any proof to show that the application seeking appointment on compassionate grounds was submitted within a period of three years from the date of the death of the employee, this Court cannot consider the claim of the writ petitioner for the purpose of entertaining the application with reference to the terms and conditions of the scheme of compassionate appointment.

4. This apart, the learned Additional Government Pleader appearing for the respondents 1 to 4 brought to the notice of this Court that the mother of the writ petitioner, who is the second wife of the deceased employee, is employed in Government service, more specifically, in the Department of Treasuries and Accounts as Superintendent. Further, the son of the first wife, namely, Mr.M.Eswara Prasath / fifth respondent is also appointed as Junior Assistant in the Collectorate. Under these circumstances, the legal heirs of the deceased employee are not entitled for any appointment on compassionate grounds. When one legal heir of the deceased employee is already in Government service, the scheme of compassionate appointment cannot be extended to the other legal heirs of the deceased employee. This being the terms and conditions of the scheme, the order of rejection passed by the first respondent is in accord with the terms and conditions of the scheme and there is no infirmity as such. This apart, the deceased employee passed away on 20.08.2007 and already 12 years lapsed and the writ petitioner has not made out any ground for the purpose of considering the relief as such sought for in the present writ petition.

5. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



To:

1.The District Collector,
Theni District.

2.The Commissioner of Revenue Administration,
Chepauk, Chennai-6.

3.The District Revenue Officer,
Uthamapalayam, Theni District.

4.The Revenue Divisional Officer,
Uthamapalayam, Theni District.

+1 CC to Mr.R.SURIYANARAYANAN, Advocate SR-69310.

+1 CC to SPL GP SR-69451.

**W.P. (MD) No.9596 of 2015
and**

M.P. (MD) No.1 of 2015

CS: (26/06/2019) 3P 7C