



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **25.02.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WEB COPY

S.Krishnasamy

WP (MD) No.17652 of 2018

... Petitioner

Vs.

1.The Chief Engineer,
National Highways,
Guindy, Chennai.

2.The Superintendent Engineer,
National Highways,
Tirunelveli,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to give Office Assistant Job to the petitioner on Compassionate Ground on the basis of representation made by this petitioner dated 14.11.2017.

For Petitioner	: Mr.B.Rajesh Saravanan
For Respondents	: Mr.C.M.Marichellaiah Prabhu,
Nos.1 & 2	Additional Government Pleader

ORDER

This writ petition has been filed, seeking to direct the respondents to provide appointment to the petitioner on compassionate ground.

2.According to the petitioner, the petitioner's father died, while he was in service under the respondents. The petitioner, upon the information furnished by the 1st respondent on 03.05.2011, approached the authorities for appointment on compassionate ground and in this connection, all the efforts taken by the petitioner ended in vain.

3.It is the specific case of the petitioner that the persons, who were juniors to the petitioner, in the seniority list, were provided with employment and the reason for denial of the petitioner's claim is improper and illegal.

4.The respondents have a counter affidavit, which reads as follows:

"6.It is submitted that the Government had

<https://hcservices.ecourts.gov.in/hcservices/>

Issued GO (Ms) No.42, Labour and Employment (Q1)
Department, dated 12.03.2007, accepting the



recommendations of the Staff Committee and issued guidelines for appointment on compassionate appointment, inter alia, stating that compassionate appointments can be made only to Group C & D categories or Class III & IV categories in conformity with the conditions laid down by the Hon'ble Supreme Court. The Government has issued Letter (Ms)No.202, Labour and Employment Department, dated 08.10.2007, issuing instructions and clarifying that the time limit of three years for filing application from the date of death of the Government Servant is applicable to all cases including where the Government Servant had died in service even prior to 26.06.1995 also. Thus, as on date, the applicable rule is that a department of a deceased Government Servant should apply for compassionate appointment within three years from the date of death of the said Government Servant. In this case on hand, the petitioner had applied after more than 8 years from the date of death of his father B.Subbiah. The petitioner did not submit the application within a period of three years from the date of death of his father B.Subbiah. Therefore, then Chief Engineer (General) Highways Department Chennai has sent proposals to the Government on 13.03.2008 seeking appointment to petitioner on compassionate ground, by duly relaxing belated submission of the petitioner's application."

5.The learned Counsel appearing for the petitioner stoutly refuted the above submission.

6.Under such facts and circumstances of the case, this Court, without going into the merits of the case, directs the respondents to consider the petitioner's representation dated 14.11.2017, on merits and in accordance with law and pass necessary orders after affording due opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

7.With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //



To

1.The Chief Engineer,
National Highways,
Guindy,
Chennai.

2.The Superintendent Engineer,
National Highways,
Tirunelveli,
Tirunelveli District.

+1 CC to M/s.B.RAJESH SARAIVANAN, Advocate (SR-49686[F] dated 26/02/2019)

+1 CC to M/s.SPL GP (SR-50136[F] dated 27/02/2019)

DSK

ORDER MADE IN
WP (MD) No.17652 of 2018
25.02.2019

KM/(27.03.2019) 3P 5C