



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:18.02.2019

CORAM

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

W.P(MD) No.6811 of 2017

Parameshwari

... Petitioner

**vs.**

The Secretary to Government,  
Commercial Tax and Registration Department,  
Chief Secretariat, St.George Fort,  
Chennai.

... Respondent

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondent to consider the petitioner's representation, dated 18.01.2017.

For Petitioner : Mr.N.Anandakumar

For Respondent : Mrs.J.Padmavathy Devi

Special Government Pleader

### **ORDER**

The Writ Petition is filed seeking a direction to the Respondent to consider the petitioner's representation, dated 18.01.2017.

2. Heard the learned Counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent and perused the materials available on record.

3. The case of the petitioner is that her husband namely Thiagarajan was working as an Assistant in Registrar office at Ariyalur District and he died on 14.07.1996, while he was in service. Hence, the petitioner has made a representation dated 18.01.2017 seeking compassionate appointment. Since the same has not been considered so far, the petitioner is constrained to approach this Court by filing this writ petition.

4. In the counter affidavit filed by the respondent, it is stated as follows:

" With reference to the averments made in paragraph 8 of the affidavit, it is submitted that the petitioner's claim for compassionate ground appointment for her son after a lapse



of 10 years from the demise of her husband has no merits. In a similar case, the Hon'ble Supreme Court of India in **Umesh Kumar Nagpal Vs State of Hariyana and others** reported in **(1994)4 Section 138**, has observed as follows:

"(6). ..... compassionate employment cannot be granted after a lapse of reasonable period which must be specified in the rules. The consideration for such employment is not a vested right which can be exercised at any time in future. The object being to enable the family to get over the financial crises which it faces at the time of the death of the sole breadwinner, the compassionate employment cannot be claimed and offered whatever the lapse of time and after the crisis is over".

5. Such stand in the counter affidavit is strongly refuted by the petitioner.

6. In such view of the matter, without going into the merits of the petitioner's claim, the respondent is directed to consider the representation of the petitioner, dated 18.01.2017, seeking compassionate appointment and dispose of the same, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of with the above direction. No costs.

Sd/-  
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

**To**

The Secretary to Government,  
Commercial Tax and Registration Department,  
Chief Secretariat, St. George Fort, Chennai.

+1 CC to M/s.N.ANANDA KUMAR, Advocate (SR-48009[F] dated 19/02/2019)  
+1 CC to M/s.SPL GP ( SR-48147[F] dated 19/02/2019 )

SSL

TE : 18/03/2019 : 2P/4C

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