



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.19374 of 2019

WEB COPY

G.Mariyappan

... Petitioner

-Vs-

1.The Chief Engineer
Public Works Department
Chepauk
Chennai 600 005

2.The Superintending Engineer
Water Resource Organization
Thamiraparani Basin Circle
Public Works Department
Palayamkottai
Thirunelveli District

3.The Executive Engineer
Water Resource Organization
Public Works Department
Chittraru Bassin Division
Tenkasi, at Kutralam
Thamiraparani Basin Division
Tirunelveli

4.The Assistant Executive Engineer
Water Resource Organization
Public Works Department
Chittraru Bassin Sub Division
Tenkasi, at Kutralam
Thamiraparani Basin Division
Tirunelveli

... 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 of the 4th respondent's letter No.கோ/37/2018/உசெபொ(கு) dated 12.05.2018 and consequent letter No.த/3/500/2018 dated 03.07.2018 rejecting the compassionate ground appointment as null and void and direct the respondents to provide employment to the petitioner on compassionate ground.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.S.Dhayalan

Government Advocate



ORDER

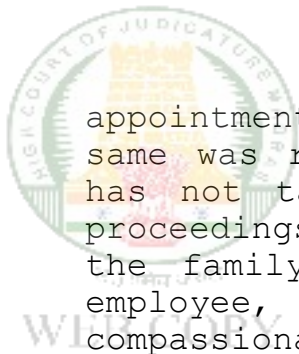
The writ petition has been filed to call for the records of the 4th respondent's letter No.கோ/37/2018/உசெபொ(கு) dated 12.05.2018 and consequent letter No.த/3/500/2018 dated 03.07.2018, rejecting the compassionate ground appointment as null and void and direct the respondents to provide employment to the petitioner on compassionate ground.

2.The petitioner's father died on 08.05.2005 while working as Sweeper in the fourth respondent Office. The petitioner gave representation on 03.04.2007 for appointment on compassionate ground. The said representation was returned for certain clarifications. The petitioner's mother was working as a Sweeper at the time of his father's death and retired on 30.06.2012 and she is getting only a meagre pension. According to the petitioner, his father died leaving eight persons as his legal heirs and the petitioner's sister's husband also died. The petitioner has to maintain the said family. In this circumstances, the petitioner sent a representation in the month of May-2019 to the Chief Minister's Cell for appointment on compassionate ground. The representation of the petitioner was rejected by the fourth respondent dated 12.05.2018 and 03.07.2018 respectively. Challenging the said orders, the present Writ petition has been filed.

3.The third respondent has filed a counter affidavit. Mr.S.Dhayalan, learned Government Advocate appearing for the respondents contended that at the time of death of petitioner's father, the petitioner's mother was working as a Sweeper in the respondents Department. There is a ban in granting appointment on compassionate ground, if any one of the family members, is employed in the Government service or its entities. The petitioner's representation dated 03.04.2007 for appointment on compassionate ground was returned on 07.06.2007 and the same has been acknowledged by the petitioner on 13.06.2007. After 13 years of death of the petitioner's father, the petitioner has given representation only on 09.05.2018. The petitioner is not entitled for compassionate appointment, as his mother was in Government service at the time of death of his father and now, the petitioner's mother is getting pension. Hence, he prayed for dismissal of this Writ petition.

4.Heard Mr. A.Haja Mohideen, learned counsel appearing for the petitioner and Mr.S.Dhayalan, learned Government Advocate appearing for the respondents.

5.From the materials on record, it is seen that the petitioner's mother was working as a Sweeper in the respondents Department at the time of death of the petitioner's father. The application made by the petitioner on 03.04.2007 for compassionate



appointment was returned by the respondents on 07.06.2007 and the same was received by the petitioner on 13.06.2007. The petitioner has not taken any steps to challenge the said order or further proceedings for the past 11 years. When any one of the members of the family, is employed as Government Servant, on the death of employee, other members are not entitled for appointment on compassionate ground. The appointment on compassionate ground can be granted only when the family is in indigent circumstances on the death of the employee. In the present case on hand, the petitioner's mother was Government employee and she retired after seven years from the date of death of the petitioner's father and now, getting pension. The third respondent returned the petitioner's application on 07.06.2007 and the petitioner has given representation only in the year 2018 after a period of 13 years from the date of death of his father.

6.In view of the above reasons, this Writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (records)

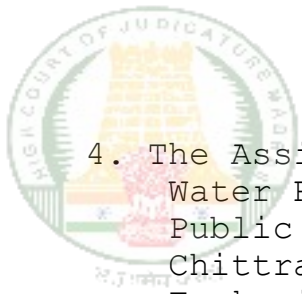
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Sub Assistant Registrar(CS)

Msa

To

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+1 CC to Mr.A.HAJA MOHIDEEN, Advocate (SR-94930[F] dated
30/10/2019)

+1 CC to SPL GP (SR-95160[F] dated 31/10/2019)

W.P. (MD) No.19374 of 2019
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