



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.10.2019**

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.A. (MD) No.983 of 2019

R.Jeevanantham

... Appellant/Petitioner

-vs-

The Superintendent of Police (In-charge)
District Police Office
Ramanathapuram District

... Respondent/Respondent

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 29.07.2019, passed in W.P.(MD) No.13126 of 2015, on the file of this Court.

Prayer in WP(MD). 13126/ 2015 :

Writ Petition filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.A4/5985/2015, dated 14.05.2015 on the file of the respondent and quash the same as illegal and consequently to direct the respondent to provide compassionate ground appointment to the petitioner within the time stipulated by this Court.

For Appellant : Ms.S.Priyanka
for Mr.S.P.Sudalaiyandi
For Respondent : Mr.A.K.Baskarapandian
Special Government Pleader

J U D G M E N T

[Judgment of the Court was made by T.S.SIVAGNANAM, J.]

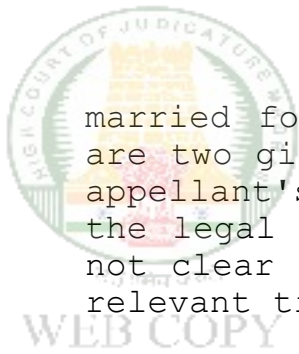
Heard Ms.S.Priyanka, learned counsel appearing for Mr.S.P.Sudalaiyandi, learned counsel on record for the appellant and Mr.A.K.Baskarapandian, learned Special Government Pleader, appearing for the respondent.

2. This writ appeal by the writ petitioner is directed against the order dated 29.07.2019, passed in W.P.(MD) No.13126 of 2015.



3. In the said writ petition, the appellant had challenged the order, dated 14.05.2015, passed by the respondent, by which the application filed by him for grant of appointment on compassionate ground was rejected as being time barred. The learned Single Bench dismissed the writ petition by the impugned order primarily for the reason that the second application was given by the appellant after thirteen years from the date of demise of his father and as on the date when the writ petition was disposed of i.e. in the year 2019, seventeen years rolled by. The learned Single Judge, while dismissing the writ petition, referred to two decisions of the Honourable Supreme Court, which lay down the principle as to the application for compassionate ground requires to be considered. There is no quarrel about the legal proposition, which has been laid down by the Honourable Supreme Court that the grant of appointment on compassionate ground is to tide over the immediate crisis of the family members put to on account of the untimely death of the Government employee. Furthermore, it is well settled legal principle that appointment on compassionate ground is not a source of recruitment and it shall be governed strictly by the rules framed in that regard or a scheme, which is put in place. If we examine the case on hand bearing this legal principle in mind, we are of the view that the appellant is entitled to the partial relief. We substantiate this conclusion with the following reasons:

4. It is not in dispute that that the appellant's father was employed as a Grade-I Police Constable and died in harness on 28.06.2002. The appellant submitted his application on 04.12.2003 for grant of appointment on compassionate ground. In terms of the stand taken in the counter affidavit filed by the respondent, it is seen that it is the respondent Department, which had directed the Inspector of Police, Thiruvadanai Police Station, to get application from the family members of the appellant. No doubt, the appellant did not submit the requisite certificates, namely, family income certificate, poverty certificate, legal heirs' non-employment certificate, details about the moveable and immovable properties and certificate in that regard etc. These certificates were required to be submitted to the District Police Office, Ramanathapuram, so that it can be forwarded to the Director General of Police, Chennai, for consideration. In March, 2015, when the appellant made application, he produced a consolidated certificate issued by the Tahsildar, Paramakudi, dated 27.02.2015. From what has been stated in the counter affidavit, we can safely conclude that the consolidated certificate issued by the Tahsildar is the sufficient compliance of the four certificates sought for on earlier occasion. The Department cannot be blamed for the conduct of the appellant. We are conscious of the fact that the respondent Department had been extending their support and addressing letters to the appellant to give details, so that the application can be processed. The factual situation involved in this case is peculiar, because the appellant's mother pre-deceased his father. The appellant's father



married for the second time and out of the second marriage, there are two girl children, who were minors at the time of demise of the appellant's father. The deceased had not only left the appellant as the legal heir, but his younger brother and younger sister. It is not clear as to whether the appellant's siblings were minors at the relevant time.

5. One more factor, which waved in our mind, is that there was a delay in the payment of pension and other benefits due and payable to the appellant's father and the same was disbursed only on 27.01.2012. It is thereafter, the appellant made a request to the respondent to consider his application for appointment.

6. In the above facts and circumstances, we are of the considered view that the second application should not be reckoned for computing the time limit. But, the application dated 04.12.2003 should be taken into account and the said date should be reckoned for considering the appellant's request of appointment on compassionate ground.

7. Thus, for the above reasons, the writ appeal is allowed and the order, dated 29.07.2019, made in W.P.(MD) No.13126 of 2015 is set aside. Consequently, the writ petition in W.P.(MD) No.13126 of 2015 is allowed and the order, dated 14.05.2015, passed by the respondent is hereby quashed. The respondent is directed to consider the application filed by the appellant on 04.12.2003, followed by a representation dated 03.06.2013 and reminder dated 02.03.2015, verify the credentials submitted by him and make appropriate recommendation to the Director General of Police, Chennai. This direction be complied with within a period of three months from the date of receipt of a copy of this Judgment. If any further information is required, the appellant be summoned to the office of the respondent and all necessary records be obtained from him so that a comprehensive proposal is sent to the Office of the Director General of Police, Chennai. The appellant is directed to extend all cooperation to the respondent Department so as to enable them to comply with the above directions issued by this Court. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To
The Superintendent of Police (In-charge),
District Police Office,
Ramanathapuram District.

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+1 CC to MR.S.ALAGU SUNDAR, Advocate (SR-95286[F] dated
31/10/2019)
+1 CC to SPL GP (SR-95478[F] dated 01/11/2019)

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