



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.19710 of 2014

and

M.P. (MD) No.1 of 2014

R.Venkatesh

... Petitioner

vs.

1.The Director of Collegiate Education
College Road, Nungambakkam
Chennai-600 006

2.The Joint Director of Collegiate Education
Madurai Zone, Madurai

3.The Principal
Arulmigu Palaniandavan Arts & Culture College
Palani, Dindigul District

... 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 pertaining to impugned order of the 2nd respondent in his proceedings in Na.Ka.No.3499E12013 dated 02.07.2014 and quash the same as illegal consequently to direct the 2nd respondent to consider the petitioner claim for the post of Office Assistant in the 3rd respondent College on compassionate ground.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.K.Mu.Muthu

Additional Government Pleader for R1 & R2

No appearance for R3

O R D E R

The order of rejection, dated 02.07.2014, passed by the second respondent, rejecting the claim of the writ petitioner for appointment on compassionate grounds, is under challenge in the present writ petition.

2. The learned counsel appearing for the writ petitioner states that the father of the writ petitioner was employed as Lab Assistant in the third respondent College and died on 17.03.1977, while he was in service. The writ petitioner, during the relevant point of time, was a minor. After 19 years from the date of the death of his father / employee, the writ petitioner submitted an application seeking appointment on compassionate grounds on 26.06.1996. The said application was rejected by the respondents



in July, 2014, after a lapse of 18 years from the date of submission of the application. Challenging the said order, the present writ petition is filed.

3. The very facts placed before this Court are sufficient to reject the claim of the writ petitioner. The employee died on 17.03.1977. The application seeking appointment on compassionate grounds was filed by the writ petitioner on 26.06.1996. The said application was kept pending for about 18 years. Thereafter, the order rejecting the claim of the writ petitioner was passed during July, 2014. This being the factum, now after a lapse of 42 years from the date of the death of the employee, the claim of the writ petitioner for appointment on compassionate grounds cannot be considered.

4. Compassionate appointment is a special scheme and it is a concession. Appointment on compassionate grounds can never be claimed as a matter of right. Scheme of compassionate appointment is to be implemented strictly in accordance with the terms and conditions. Appointment on compassionate grounds being in violative of Articles 14 and 16 of the Constitution of India. The State must implement the special schemes cautiously and in a restricted manner so as to ensure that equal opportunity is provided in the public employment. In the event of large scale special appointments without following the rules in force, the constitutional rights of all other eligible candidates are infringed. Thus, such special schemes should not exceed the limits and the same is to be implemented in accordance with the terms and conditions. The scheme of compassionate appointment is implemented to mitigate the circumstances arising on account of the sudden death of an employee. Thus, the penurious circumstances are the vital factors to be assessed by the competent authority before extending the benefit of the scheme of compassionate appointment.

5. In view of the above, the relief as such sought for in the present writ petition cannot be granted and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

krk

To:

1.The Director of Collegiate Education,
College Road, Nungambakkam,
Chennai-600 006.



2.The Joint Director of Collegiate Education,
Madurai Zone, Madurai.

1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.75193

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and

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NA(CO)

TR (19.07.2019) 3P 4C