

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 10.07.2019****CORAM:****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.13202 of 2015**

R.Periyasamy

... Petitioner

-Vs-

1.The Director,
Animal Husbandry and Medical Services,
Central Office Buildings Part-II,
Chennai-600 006.

2.The Zonal Deputy Director,
Animal Husbandry Department,
Sivagangai.

3.The Assistant Director,
Animal Husbandry Department,
Sivagangai.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order of the first respondent in Na.Ka.No.51398/R3/2008, dated 22.04.2015 and quash the same as illegal and consequently, direct the respondents to provide suitable employment to the petitioner based on the eligibility of compassionate appointment within the period that may be stipulated by this Court.

For Petitioner

: Mr.S.J.Chakkaravarthy

For Respondents

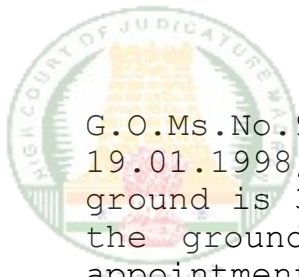
: Mr.S.Dhayalan,

Government Advocate.

ORDER

The order of rejection dated 22.04.2015, rejecting the claim of the writ petitioner for compassionate appointment, is under challenge in the present Writ Petition.

2.The father of the writ petitioner, namely, C.Raman was employed as Assistant in Animal Husbandry Department and died on 01.08.2007, while he was in service. The writ petitioner submitted an application, seeking an appointment on compassionate ground on 13.06.2008. In this regard, the respondents have considered the application submitted by the writ petitioner and accordingly, passed an order stating that the date of birth of the writ petitioner is 01.04.1971 and at the time of the death of the deceased employee, the writ petitioner was aged about 36 years and four months. As per



G.O.Ms.No.9, Labour and Employment (Q1) Department, dated 19.01.1998, the age limit for providing appointment on compassionate ground is 35 years. The case of the writ petitioner was rejected on the ground that he is over aged. The scheme of compassionate appointment cannot be extended, so as to provide one appointment to the legal heir of the deceased employee. The scheme, being a concession, cannot be claimed as a matter of legal right.

3. In the present case on hand, the writ petitioner was over aged even at the time of the death of the deceased employee. This apart, the writ petitioner was aged about 43 years, even at the time of filing of the Writ Petition during the year 2015. Thus, he would be around 48 years as of now. Under these circumstances, this Court cannot grant benefit of scheme of compassionate appointment in violation of the terms and conditions of the scheme.

4. The learned Government Advocate appearing on behalf of the respondents states that proposal was submitted for grant of age relaxation.

5. Relaxation cannot be granted in a routine manner. Once service conditions are in force, rule relating to the educational qualifications, age and other criteria cannot be relaxed, so as to provide appointment. In the event of granting such relaxation, the same will set out a wrong precedent and further, opportunity to all other eligible candidates is also denied.

6. This being the principles to be followed, the order impugned in this Writ Petition is in consonance with the terms and conditions of the scheme of compassionate appointment and there is no infirmity as such. Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Director,
Animal Husbandry and Medical Services,
Central Office Buildings Part-II,
Chennai-600 006.

2. The Zonal Deputy Director,
Animal Husbandry Department,
Sivagangai.



3.The Assistant Director,
Animal Husbandry Department,
Sivagangai.

+1cc to Mr.S.J.CHAKKARAVARTHY, Advocate, SR.No.74678

+1cc to M/s.Special Government Pleader,SR.No. 74763

W.P. (MD) No.13202 of 2015
10.07.2019

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