



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.9797 of 2014

and

W.M.P. (MD) .No.17636 of 2017

A.Thamaraiselvi

... Petitioner

Vs.

- 1.The Secretary to Government,
Backward Class, Most Backward Class
& Minority Class Welfare Department,
Secretariat, Chennai.
- 2.The Commissioner,
Most Backward Class & Denotified Tribes
Welfare, Cheppakkam,
Chennai.
- 3.The District Welfare Officer,
Backward Class, Most Backward Class &
Minority Class Welfare Department,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 3rd respondent proceedings in Na.Ka.L4/41387/2011-1, dated 21.05.2014 and quash the same and consequently issue a direction to the 3rd respondent to appoint the petitioner in any suitable post on compassionate ground in the Backward Class, Most Backward Class and denotified Tribes Welfare Department with all monetary and Services benefits, on the basis of the 2nd respondent proceedings to the first respondent in letter No.A2/6027/2010 dated 13.09.2012.

For Petitioner : Mr.P.Ramachandran
For Respondents : Mr.M.Jeyakumar
Additional Government Pleader

ORDER

The order of rejection, dated 21.05.2014 rejecting the claim of the writ petitioner for compassionate appointment is under challenged in the present writ petition.



2.The father of the writ petitioner viz., N.Auiravalli was employed as a Hostel Warden, who died on 24.03.2005, while he was in service. The writ petitioner completed the Degree during the relevant point of time and an application was made seeking appointment on compassionate grounds. Subsequently, the younger brother of the writ petitioner viz., Naganathan preferred an application on 05.09.2006 seeking appointment to any suitable post on compassionate grounds. Once again, the younger brother of the petitioner Naganathan filed another application withdrawing the initial application submitted seeking appointment on compassionate ground on the ground that the younger brother of the writ petitioner completed B.E., degree and intended to go abroad for employment. In view of the no objection certificate given by the younger brother of the writ petitioner, the writ petitioner against submitted an application. The writ petitioner was a married daughter and on account of certain misunderstanding with her husband, she filed a divorce application and the same was allowed on 23.12.2010. In the mean while, the petitioner completed her B.Ed., course. Under these circumstances, the present writ petition has been filed seeking appointment on compassionate grounds.

3.The entire facts and circumstances narrated in the affidavit filed in support of the writ petition reveals that the legal heirs of the deceased employee changed their stand and submitted applications repeatedly, which is impermissible with reference to the terms and conditions of the scheme of the compassionate appointment. At the first instance, her younger brother had submitted an application and after some time, her younger brother had withdrawn the application on the ground that she had preferred to go abroad for employment and thereafter, an completion of B.Ed., the writ petitioner once again submitted an application. The very purpose and object of the scheme of compassionate appointment is to mitigate the circumstances arising on account of the sudden death of the Government employee. The very facts and circumstance reveals that the family of the writ petitioner during the relevant point of time, was not in pecuniary circumstances. The younger brother of the writ petitioner studied in B.E degree and employed in abroad and the writ petitioner also continued her studies and thus, after a lapse of about 13 years, the scheme of compassionate appointment cannot be extended, in view of the legal principles settled by the Courts.

4.With these observations, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar



To

1.The Secretary to Government,
Backward Class, Most Backward Class
& Minority Class Welfare Department,
Secretariat, Chennai.

2.The Commissioner,
Most Backward Class & Denotified Tribes
Welfare, Cheppakkam,
Chennai.

3.The District Welfare Officer,
Backward Class, Most Backward Class &
Minority Class Welfare Department,
Ramanathapuram District.

+1 CC to M/s.P.RAMA CHANDRAN, Advocate (SR-80532[F] dated
08/08/2019)

W.P. (MD)No.9797 of 2014

and

W.M.P. (MD) .No.17636 of 2017

07.08.2019

Ns

MS/12.09.2019/3P.5C