



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.16508 of 2013

and

M.P.(MD)No.1 of 2013

S.Sudharsan

... Petitioner

Vs

1. The District Collector,
Dindigul District.

2. The Block Development Officer
(Rural Development)
Gujiliyamparai,
Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the first respondent in Na.Ka.No.2548/2013/Voo.Va.1 dated 15.5.2013 quash the same and consequently direct the respondents herein to appoint the petitioner in any one of the posts of Assistant.

For Petitioner	: Mr.K.Appadurai
For R1	: Mr.K.Mu.Muthu
	Additional Government Pleader
For R2	: Mr.K.P.Krishnadass

ORDER

The order of rejection dated 15.05.2013, rejecting the claim of the writ petitioner to provide appointment on compassionate grounds, on account of the Medical Invalidation of his father M.A.Sivakumar, is under challenge in the present writ petition.

2.The father of the writ petitioner Sivakumar was employed as a Deputy Block Development Officer in the Adi Dravidar Welfare Wing under the control of the first respondent. Due to illness, the writ petitioner's father was unable to continue his employment. Accordingly, the father of the writ petitioner was medically invalidated and allowed to retire from service on 20.01.2010, as per the recommendation of the Medical Board and the disability certificate issued by the Board.

3.The writ petitioner submitted an application seeking appointment on compassionate grounds. On account of the Medical invalidation of his father from service, the said application was considered with reference to the terms and conditions of compassionate appointment and accordingly the impugned order was



issued vide proceedings dated 15.05.2013. The impugned order states that the father of the writ petitioner was medically invalidated, after his completion of 53 years of age. Therefore, the son of an employee is not eligible to secure employment on compassionate grounds.

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4.The learned Additional Government Pleader appearing for the first respondent states that the father of the writ petitioner is receiving pension as per the Rules in force and all his pensionary benefits are also settled. As per G.O.No.10, dated 13.02.2009, the limitation for providing compassionate appointment in the case of medical invalidation, is 53 years. If an employee is medically invalidated after completion of 53 years of age, then the other family members are not entitled to get employment on compassionate grounds.

5.This being the terms and conditions imposed for availing employment on compassionate grounds, this Court is of the opinion that there is no infirmity as such in the order passed by the respondent. The scheme of compassionate appointment is a special scheme which should be implemented strictly in accordance with the terms and conditions. At the time of medical invalidation the father of the writ petitioner, admittedly, had completed 53 years and therefore, the writ petitioner is not entitled for compassionate appointment. The writ petitioner, if at all interested in securing the public employment, has to participate in the open competitive process and secure public employment.

6.With this observation, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

sd/

Assistant Registrar(records)

/True Copy/

Sub Assistant Registrar(CS)

To

1. The District Collector,
Dindigul District.

2. The Block Development Officer
(Rural Development)
Gujiliyamparai,
Dindigul District.

+1 CC to Mr.K.APPADURAI, Advocate (SR-68148[F] dated 12/06/2019)

+1 CC to SPL GP (SR-68459[F] dated 13/06/2019)

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and

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