

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.08.2020

CORAM:

THE HON'BLE MR. JUSTICE V.PARTHIBAN

WP No.10849 of 2020
and
WMP Nos.13173 & 13174 of 2020

Miss. R.Thenmozhi

.. Petitioner

Vs

1. The Chief Forest Ranger,
Salem Forest Range,
Salem.

2. The District Forest Ranger,
Salem Forest Range,
Salem.

.. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the order passed in Na.Ka.No.1341/2020 Pa3 dated 06.03.2020 on the file of the 2nd respondent dated 06.03.2020 quash the same and also direct the respondent herein to appoint the petitioner as compassionate ground for the suitable post in the respondent Department.

For Petitioner : Mr.R.Murugabharathi

For Respondents: Mr.S.Prabu,
Additional Government Pleader (Forest)

ORDER

This matter is taken up through web hearing.

2. The writ petition has been filed seeking for the following prayer:

"for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the order passed in Na.Ka.No.1341/2020 Pa3 dated 06.03.2020 on the file of the 2nd respondent dated 06.03.2020 quash the same

and also direct the respondent herein to appoint the petitioner as compassionate ground for the suitable post in the respondent Department."

3. The case of the petitioner is that her father was working as a Forest Guard, in the respondent department. Because of her father's ill health, he took voluntary retirement from service on 28.02.2011. Thereafter, he died on 16.11.2011. According to the petitioner, her father had served for 32 years, under the respondents.

4. Since the petitioner's father was the only bread winner of the family, his sudden death had resulted in her family undergoing severe hardship and struggle. According to the averments contained in the affidavit, an application for compassionate appointment was submitted on 23.01.2020, before the Chief Minister's Cell and the same was forwarded to the respondents. In response to the application, which was forwarded by the Chief Minister's Cell, an order was passed on 06.03.2020 by the 2nd respondent that the petitioner herein was not entitled to be considered for compassionate appointment, since her father took voluntary retirement. The order is put to challenge in the present writ petition.

5. This Court is unable to appreciate as to how the writ petition could be entertained at this distance of time, when admittedly the petitioner's father died as early as on 16.11.2011. Nothing has been stated in the affidavit as to what happened between 2011 and 2020. The affidavit merely discloses that an application was submitted to the CM's Cell on 23.01.2020 and only on the said representation, being forwarded to the respondents, the impugned order came to be issued. There was subsequently no explanation in the affidavit, as to why it has taken so many years for the petitioner to make a representation in 2020, when her father died as early as on 16.11.2011.

6. Time and again, this Court has held that the scheme for compassionate appointment provides immediate employment assistance to the family of the deceased, in order to overcome sudden crisis faced by the family. Such assistance cannot be sought after a period of nine years, more so, when nothing has been stated in the affidavit, as to why and under what circumstances the petitioner has not approached the respondents for the relief earlier. In the absence of any explanation, the writ petition is hit by laches and liable to be dismissed on that ground alone. Even otherwise, such a stale claim cannot be entertained at all, particularly, when no application for compassionate appointment has been submitted before the time stipulated under the scheme of the compassionate appointment.

7. In view of the above, this Court finds that the writ petition is completely devoid of merits and substance and hence, dismissed. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Ars

To

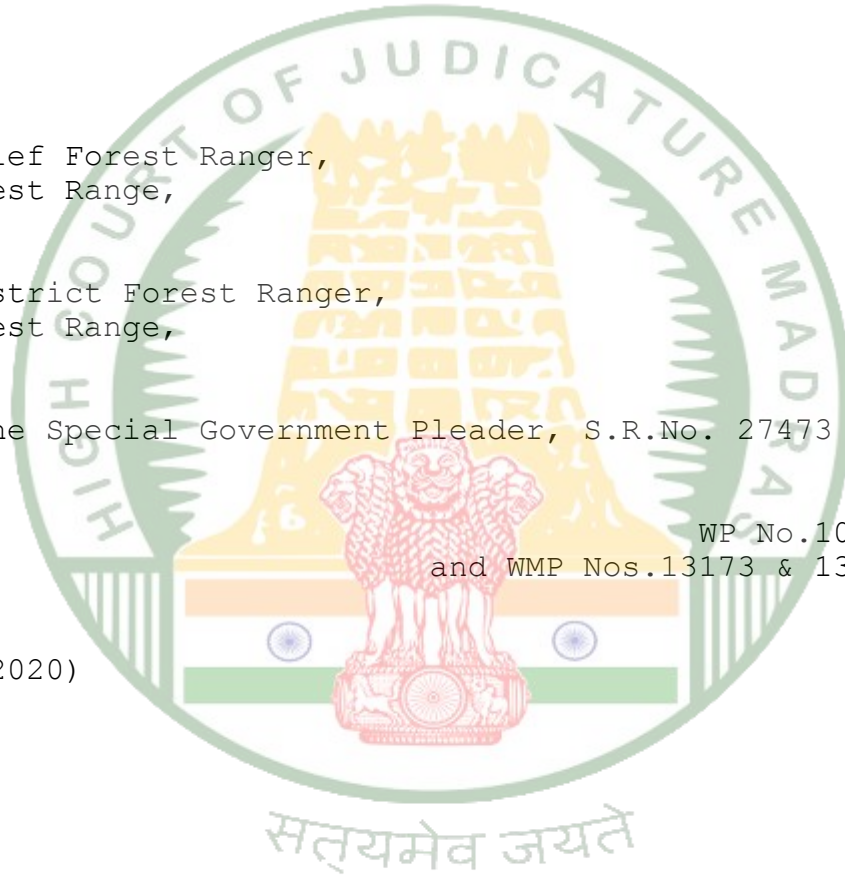
1. The Chief Forest Ranger,
Salem Forest Range,
Salem.

2. The District Forest Ranger,
Salem Forest Range,
Salem.

+1cc to the Special Government Pleader, S.R.No. 27473

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RSV(CO)
GN(11/09/2020)



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