

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM :

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.13709 of 2020 and
W.M.P.No.17049 of 2020

Sudhakar

... Petitioner

-Vs-

- 1.The Commissioner,
Agricultural of Marketing and Agri Business,
Guindy, Chennai-32.
 - 2.The Assistant Director of Agricultural/Secretary,
Erode Marketing Committee,
Erode-12.
 - 3.The Superintendent,
Regulated Marketing Committee,
Punjai Puliyampatti,
Erode District.
- ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the entire records pursuant to the impugned order dated 10.03.2020, vide Na.Ka.No.A1/7017/2016 on the file of the second respondent and quash the same and consequently, appoint me in the suitable post on the compassionate ground.

For Petitioner : Mr.N.Chinnaraj
For Respondents : Mr.D.Surya Narayanan, AGP

ORDER

This writ petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the entire records pursuant to the impugned order dated 10.03.2020, vide Na.Ka.No.A1/7017/2016 on the file of the second respondent and quash the same and consequently, appoint the petitioner in the suitable post on compassionate ground.

2. The case of the petitioner is that his father died during

the course of his employment under the respondents on 25.12.2009. At the time of his father's death, the petitioner was a minor. Therefore, the petitioner's mother made a representation on 11.11.2011, to the second and third respondents, stating that her son namely the petitioner herein was a minor and requested time to be granted for seeking compassionate appointment for the petitioner after attaining the age of majority. Thereafter, on attaining the age of majority, the petitioner's mother submitted a representation on 25.10.2017. However, the representation was rejected by the second respondent on 10.03.2020, on the ground that the same was submitted after a period of three years from the date of death of the petitioner's father. The rejection is the subject matter of challenge in this writ petition.

3. The fact of the matter is that the petitioner's father died as early as in 2009 and at that time, the petitioner was admittedly a minor. However, the appointment on compassionate ground is not a matter of legal inheritance that as and when the legal heir becomes major, he or she can claim for such appointment. Time and again, this Court has held that the scheme of compassionate appointment is to provide immediate assistance to the family of the deceased and such employment assistance would lose its relevance, if it is to be extended after a period of eleven years.

4. Moreover, nothing is disclosed in the affidavit in regard to the indigent circumstances of the family on the death of the petitioner's father. The right to claim compassionate appointment is not open ended and it cannot be claimed regardless of the economic or allied conditions of the family. Apart from the period of limitation, this Court also does not find any relevant averments to bring out the exceptional circumstances for this Court to intervene and direct the authorities to consider the claim of the petitioner for compassionate appointment.

5. In view of the above, this Court finds no merit in the writ petition and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

gsk

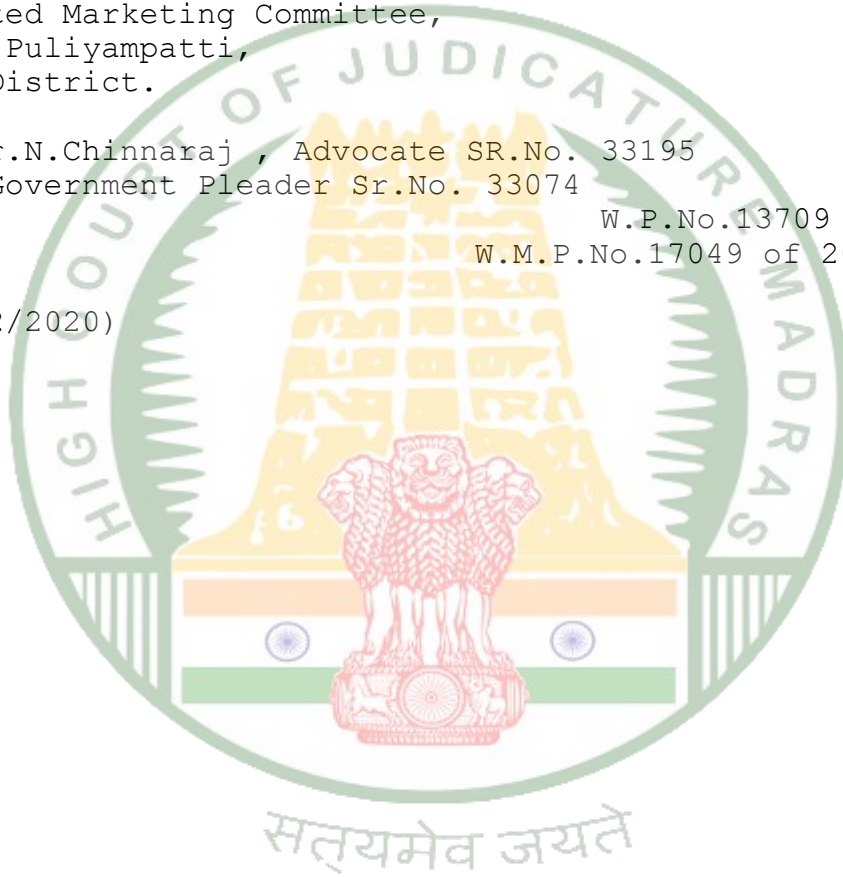
To

- 1.The Commissioner,
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Guindy, Chennai-32.
- 2.The Assistant Director of Agricultural/Secretary,
Erode Marketing Committee,
Erode-12.
- 3.The Superintendent,
Regulated Marketing Committee,
Punjai Puliampatti,
Erode District.

+1cc to Mr.N.Chinnaraj , Advocate SR.No. 33195
+1 cc to Government Pleader Sr.No. 33074

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A.SK(03/12/2020)



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