

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2020
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THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.16441 of 2020

S.Christopher Arunkumar

...Petitioner

Versus

The Superintendent of Police,
The Nilgiris District.

...Respondent

PRAYER : petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the respondent vide his office proc. No.N.K.No.A2/10897/2017 dated 27.08.2020 and quash the same and consequently, direct the respondent to appoint the petitioner in any of the qualified post under compassionate appointment within an appropriate time.

For Petitioner : Mr.I.C.Vasudevan
For Respondent : Mr.V.Kathirvelu, SGP

ORDER

This writ petition has been filed to call for the records pertaining to the order passed by the respondent vide his office proc. No.N.K.No.A2/10897/2017 dated 27.08.2020 and quash the same and consequently, direct the respondent to appoint the petitioner in any of the qualified post under compassionate appointment within an appropriate time.

2. The case of the petitioner is that his father who was working as a Head Constable in Tamil Nadu Police Service, died while in service on 04.01.2009. At that time, the petitioner was the only son of his father, was 13 years old and therefore, he could not make any application seeking compassionate appointment.

3. According to the petitioner, after he attained majority, the petitioner's mother made an application seeking compassionate appointment for the petitioner in 2015. However, the same was not considered, recently, the petitioner's mother made another representation on 13.08.2020 to the respondent, for which, a reply was given by proceedings of the respondent dated 27.08.2020, rejecting the claim of the petitioner seeking

compassionate appointment, for the reason that no application was made within three years of his father's death. The said proceedings is put to challenge in the present writ petition.

4. The learned counsel who appeared for the petitioner would submit that the question of making application for compassionate appointment within three years from date of his father's death in 2009, did not arise in this case, since the petitioner was a minor and 13 years old at that time. Thereafter, an application was made in 2015, after the petitioner attained the majority. Since the same did not evoke any response, another recent representation was made on 13.08.2020, which was unfortunately rejected on untenable grounds.

5. This Court is unable to appreciate the submission of the learned counsel for the petitioner for the simple reason that first of all, no material has been produced before this Court as to whether any written representation was submitted immediately or thereafter when the petitioner herein attained the age of majority. Except saying that some representation was made in the year 2015, nothing is disclosed in the affidavit.

6. Moreover, nothing has been disclosed in the affidavit as to what happened from 2015 till the recent representation made on 13.08.2020, for a period of five years. According to the affidavit, the petitioner is 25 years old which means that he attained the age of majority seven years before. Moreover, it appears from the averments in the affidavit that the petitioner is a Post Graduate in English and with this master degree, it is always possible that the petitioner can secure employment on his own merit.

7. In any case, time and again, this Court has held that the compassionate appointment cannot be sought after a lapse of considerable time, since the very scheme of compassionate appointment was meant to provide immediate employment assistance to the family of the deceased employee. In this case, the petitioner has attained majority in 2013, but, he appears to have actually represented in August 2020.

8. Therefore, this Court finds that the writ petition lacks merit and hence, the same is dismissed. No costs.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

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To

The Superintendent of Police,
The Nilgiris District.

W.P.No.16441 of 2020

NRJK (CO)
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