

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.11.2020

CORAM

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P.No.16492 of 2020

K.Selvam

... Petitioner

vs

- 1.State of Tamil Nadu ... Respondents
rep. by the Secretary to Government,
Revenue Administration,
Ezhilagam,
Chennai - 600 005.
- 2.The District Collector,
O/o The District Collectorate,
Thirupathur,
Thirupathur District.
- 3.The Sub-Collector,
O/o The Sub Collector,
Thirupathur Taluk,
Thirupathur District.
- 4.The Tahsildar,
O/o The Tahsildar,
Natrampalli,
Tirupattur District.
- 5 G.Ramkumar,
S/o K.Govindaraj,
K.Bantharapalli Village,
Natrampalli Taluk,
Thirupattur District.

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents 1 to 4 herein to appoint the petitioner as Village Assistant or any suitable post on compassionate grounds as his father died on duty as a Government Servant, as he is the legal heir of V.Kannan (Late), Village Assistant based on the petitioner's representation dated 22.09.2020 and consequently with all monetary and other service benefits.

For Petitioners ... Mr.C.S.Vijayakumar

For Respondents ... Mr.V.Kathirvelu
Special Government Pleader

ORDER

The matter is taken up through web hearing.

2. This Writ Petition has been filed seeking a Writ of Mandamus to direct the respondents 1 to 4 herein to appoint the petitioner as Village Assistant or any suitable post on compassionate grounds as his father died on duty as a Government Servant, as he is the legal heir of V.Kannan (Late), Village Assistant based on the petitioner's representation dated 22.09.2020 and consequently, with all monetary and other service benefits.

3. The case of the petitioner is that his father one V.Kannan died while he was working as Village Assistant in the Village Administrative Office, Jayapuram Village, Natrampalli Taluk.

4. According to the petitioner, another person's father name was also Kannan. According to the petitioner one Govindaraj, Son of B.C.Kannan by committing forgery, obtained a job which was intended to be offered to him. The petitioner claims to have learnt about the forgery only recently and therefore, he has submitted a representation on 22.09.2020 seeking compassionate appointment and the said representation having not invoked any response, he is before this Court.

5. In fact, this Court finds that nowhere in the affidavit, the petitioner has stated when his father died and how long he worked as Village Assistant. But this Court perused the documents and found his father's death certificate enclosed which indicates the petitioner's father died in 1988 and the petitioner age as declared by him in the affidavit is 48 years now.

6. Whatever be the circumstances as averred by the petitioner, the fact of the matter is that the petitioner's father died 32 years before and under no circumstances, the request for compassionate appointment could be entertained after such long passage of time. The very fact that the petitioner has survived for all these years and he being 48 years now seeking compassionate appointment at this stage is preposterous and unsustainable. The facts relating to forgery etc. have been incoherently stated in the affidavit and this Court is unable to

make out any sense from the averment in that regard.

7. In any event, this Court finds that the claim is hit by severe laches and not condonable at all and even on merits, the petitioner has no case.

8. Therefore, the Writ Petition is dismissed. No costs.

-Sd/-

Assistant Registrar (CS)

// True Copy //

Sub Assistant Registrar

vsi

To

- 1.The Secretary to Government,
State of Tamilnadu,
Revenue Administration,
Chennai - 600 009.
- 2.The District Collector,
O/o The District Collectorate,
Thirupathur,
Thirupathur District.
- 3.The Sub-Collector,
O/o The Sub Collector,
Thirupathur Taluk,
Thirupathur District.
- 4.The Tahsildar,
O/o The Tahsildar,
Natrampalli,
Tirupattur District.

सत्यमेव जयते

W.P.No.16492 of 2020

MJB (CO)
UM (15.12.2020)

WEB COPY