

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2020

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.15903 of 2020

J.Manimegalai

... Petitioner

Vs.

1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St.George, Chennai - 600 009.

2.The Secretary cum General Manager,
Tamil Nadu Water Supply and Drainage Board
No.31, Kamarajar Salai, Chepuk,
Chennai - 600 005.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 2nd respondent to provide compassionate appointment to the petitioner's younger daughter, viz., N.Sugantha Priya.

For Petitioner : S.P.Sudalaiyandi

For Respondents : Mr.V.Kathirvelu
Special Government Pleader

ORDER

सत्यमेव जयते

The petitioner's husband was working as a Driver in the second respondent Board and died on 08.05.2008 while he was in service. According to the petitioner, on death of her husband she had applied for Compassionate Appointment on 18.12.2008. According to the averments in the affidavit, she had been approaching the Authorities concerned for about 9 years and till 2017 no orders were passed.

2. Subsequently, it is averred in the affidavit that some correspondence from the office of the second respondent calling the petitioner to appear in July 2017 and by then the petitioner appears to have crossed the age of 58 years. Therefore, the

petitioner appears to have made a representation on 24.07.2017 seeking Compassionate Appointment for her younger daughter who is stated to have completed her degree in Master of Business Administration in the year 2009. The deceased husband left behind the petitioner and two daughters. The first daughter being elder and already married long ago, the second daughter, for whom the Compassionate Appointment is claimed presently, is holding a Degree in Master of Business Administration. As there is no effective and positive response from the respondents, the petitioner is before this Court.

3. This Court is not inclined to entertain this writ petition for the simple reason that the husband of the petitioner died 12 years before and nothing is stated in the affidavit as to what happened from 2008 till 2020. According to her, some representation was made immediately after the death of her husband in 2008 and nothing else is stated in the affidavit as to what happened thereafter.

4. Even otherwise, it appears that out of two daughters one daughter was already married long ago even at the time of the death of her husband and the second daughter for whom the appointment is sought for is holding a Degree in Master of Business Administration. The second daughter being well qualified person and is capable of earning her employment on her own right without any Compassionate consideration and that being the case, the claim for compassionate appointment is without any merits.

5. This Court has time and again held that the right to seek Compassionate Appointment is not available after passage of considerable time, as the object behind the Compassionate Appointment scheme is to provide immediate employment assistance to the family of the deceased. Such consideration cannot be availed after a period of 12 years.

6. Therefore, this Court finds no merit in the writ petition. Hence the writ petition is dismissed. No costs.

sd/
ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

Pns

To

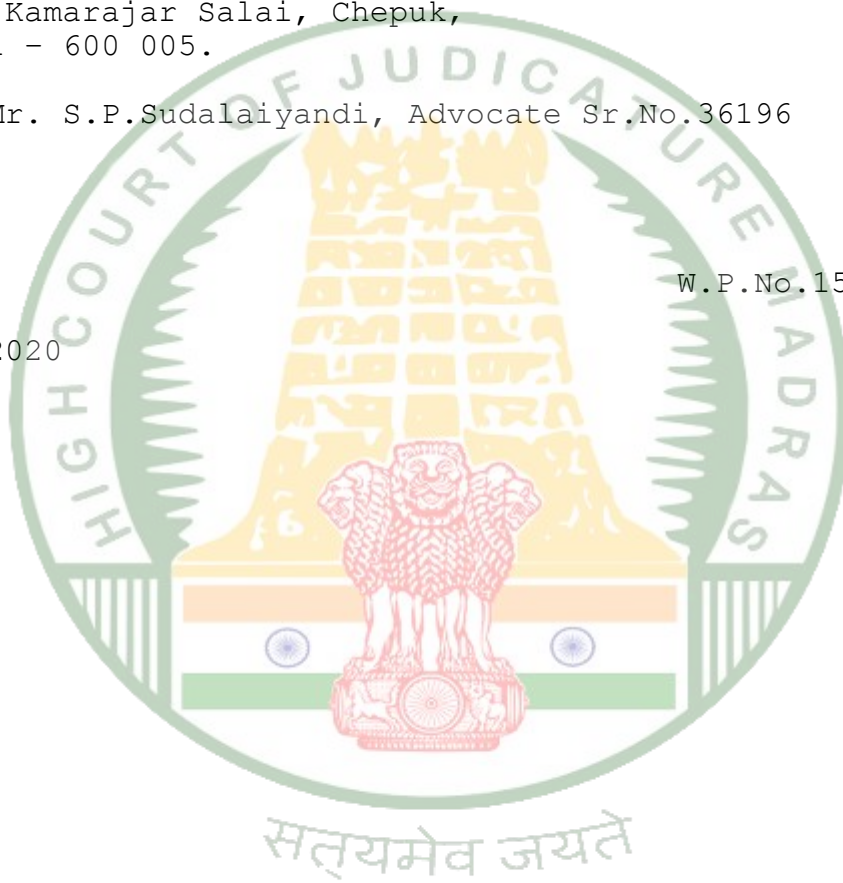
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+1 CC to Mr. S.P.Sudalaiyandi, Advocate Sr.No.36196

SSV(CO)
cs 19/12/2020

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