

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 22.12.2020

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

Writ Petition No.19737 of 2020

&

W.M.P.No.24381 of 2020

G.Srinivasan

...Petitioner

Vs.

1.The Director of Public Health and Prevention
Annasalai, DMS Complex, Teynampet,
Chennai - 6.

2.The Director of District Health Services,
Office of the District Health services
Kanniyakulam Road, Villupuram,
Villupuram District.

3.The Assistant Director of Health Services,
Villupuram District, Villupuram.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of Certiorarified Mandamus, to call for records of bearing R.No.73901/E4/2008/53 dated 06.08.2008 passed by the first respondent herein and quash the same and further direct the respondents to appoint the petitioner on compassionate ground.

For Petitioner : Mr.R.Arundattan

For Respondents: Mr.J.Pothiraj

Special Government Pleader

ORDER

The claim of the petitioner in this case is that his father died on 03.02.1997, when he was working as Health Inspector Grade I at the Office of the Health Services, Villupuram District, leaving behind his wife, daughter and three sons. The petitioner is one of the sons and the legal heir of the deceased employee. According to the petitioner that his mother made official representation on 26.02.1997 seeking compassionate appointment. However the same was not considered.

2. According to the petitioner, there was a dispute as to the legal heir ship and a civil case was pending before the Civil Court in O.S.Nos.65 of 1997 and 141 of 1997 and after the dismissal of suit on 28.01.2001 appeals are preferred in A.S.No.12 & 13 of 2005 before the Sub-Court, Gingee. According to the petitioner, the said appeals were also dismissed on 29.01.2007 by confirming the decree of the Trial Court. During the pendency of the Civil Suit, their applications were kept pending by respondents.

3. After disposal of the appeals in 2007, the petitioner given a representation on 10.03.2008 renewing request for compassionate appointment and however the said application was rejected by the Authority on 06.08.2008 stating that the application for compassionate appointment has not been received within three years from the date of death of Government Servant. Challenging the same, the petitioner is before this Court.

4. This Court is unable to appreciate as to how an order which is passed as early as on 06.08.2008 could be the subject matter of challenge in 2020. The pendency of civil cases were all over in 2007 and thereafter 13 years have lapsed. When an application was made after the disposal of the Civil Appeals in 2008 the same came to be rejected on 06.08.2008 and thereafter what the petitioner has been doing for the last 12 years has not been explained in the affidavit. Even otherwise, the compassionate appointment cannot be claimed after a period of 23 years from the date of death of the deceased employee. Whatever be the circumstances and the reasons, the very fact that the family has survived for so many years, would disentitle petitioner from making any claim for compassionate appointment. The scheme for compassionate appointment provides immediate employment assistance to the family of the deceased employee and such appointment cannot be claimed or made available after a period of 23 years. Therefore, the claim is hit by severe latches and such a stale claim cannot be entertained by this Court.

5. Therefore, the Writ Petition stands dismissed as being hopelessly time barred and also devoid of merits. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrm

To

1.The Director of Public Health and Prevention
Annasalai, DMS Complex, Teynampet,
Chennai - 6.

2.The Director of District Health Services,
Office of the District Health services
Kanniyakulam Road, Villupuram,
Villupuram District.

3.The Assistant Director of Health Services,
Villupuram District, Villupuram.

+1cc to Mr.R.Arundattan, Advocate, S.R.No. 42538

+1cc to the Government Pleader, S.R.No. 43148

W.P.No.19737 of 2020

AJS (CO)
GN(17/02/2021)



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