

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 30.01.2020
CORAM :
The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE
AND
The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD

W.A.No.4028 of 2019

Raja @ Needle Raja .. Appellant/petitioner

-vs-

- 1.The Director General of Police
Mylapore, Chennai 600 004.
- 2.The Commissioner of Police,
Tiruvarur District. ... Respondents/Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 24.04.2019 in W.P.No.3540 of 2018 on the file of this Court.

WP.No 3540 of 2018:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to quash the impugned order in Na. Ka. No. A4/14845/2017 dt 13.11.2017 passed by the 2nd respondent and consequently direct the respondents to give compassionate appointment to the petitioner

For Appellant : Mr.A.R.Nixon

JUDGMENT

(Delivered by Subramonium Prasad, J.)

The writ petitioner is the appellant in this appeal, who has challenged the dismissal of the writ petition affirming the order dated 13.11.2017 whereby the application for appointment on compassionate basis made by the appellant herein was rejected.

2.The appellant's father was in the police service, who died in harness on 08.07.2011. The appellant moved an application for appointment on compassionate basis after six years in

October, 2017. The Department rejected the application on the basis of G.O.Ms.No. 202, Labour and Employment Department, dated 08.10.2007, which stipulates that any application for appointment on compassionate basis should be made within three years of death of the employee concerned. The learned Single Judge, after placing reliance on number of judgments of the Hon'ble Supreme Court and of this Court, came to the conclusion that in view of the scheme stipulated in Government Order No.202, Labour and Employment Department, dated 08.10.2007, appointment on compassionate basis cannot be granted when application is made after 3 years of the death of the employee.

3.We have heard Mr.A.R.Nixon, learned counsel for the appellant and perused the judgment challenged in the instant writ appeal. The facts are not disputed. It is well settled that appointment on compassionate basis is not a matter of right, but is governed by a scheme, which is brought out by the employer to ensure that the family of the person who dies in harness is able to tide over the circumstances to which it is put because of the death of the employee.

4.Any appointment should be made only in accordance with the Scheme and since the Government Order dated 08.10.2007 stipulates that an application for appointment on compassionate basis cannot be entertained after three years of the death of the employee, we do not find any infirmity with the order impugned in the writ petition or with the order of the learned Single Judge rejecting the case of the appellant.

The Writ Appeal is, accordingly, dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar(I)

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Sub Assistant Registrar

sra
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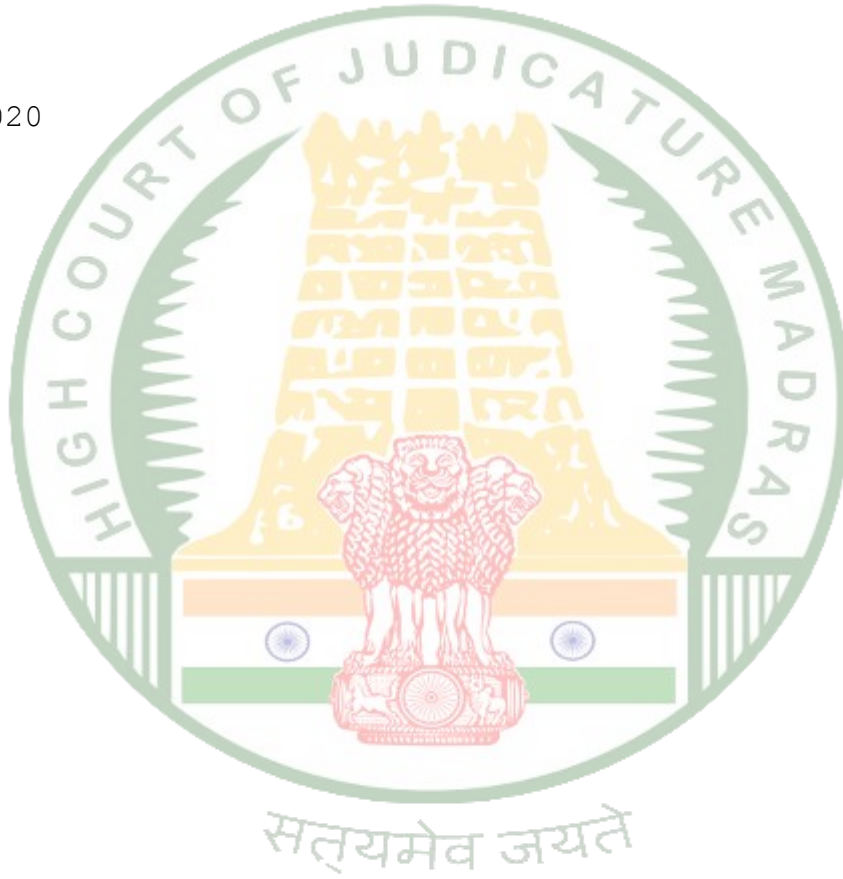
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+1 cc to the Government Pleader sr76641

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