

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	28.02.2020
Pronounced on	28.05.2020

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.12715 of 2019

WEB COPY

S.Rathnabala

...Petitioner

Vs.

1.State of Tamil Nadu

Through its Additional DGP/Director,
Tamil Nadu Fire & Rescue Service Department,
No.17, Rukmani Lakshmipathi Salai,
Elumbur, Chennai-600 008.

2.State of Tamil Nadu

Through its Principal Secretary,
Home (Police-17) Department,
St. George Fort, Chennai-9.

3.The Regional Officer,

Fire & Rescue Service Department,
Thoothukudi District,
Thoothukudi.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus by directing the respondents to appoint the petitioner as a Junior Assistant in any one of the vacancies in the first respondent department on compassionate ground.

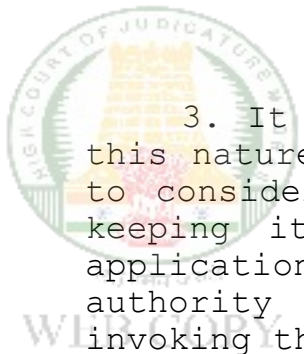
For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader

O R D E R

The petitioner's father, who was employed with the respondent herein, had died in harness. The petitioner, who claims to be the legal heir of the deceased employee, had made an applications before the respondent on 29.09.2014 and 26.03.2015, seeking for appointment on compassionate ground. Since the said applications were not considered in time, the present Writ Petition has been filed.

2. Heard Mr.G.Prabhu Rajadurai, learned counsel for the petitioner and Mr.R.Sethuraman, learned Special Government Pleader appearing on behalf of the respondents.



3. It is needless to point out that whenever an application of this nature has been made, the concerned authorities are duty bound to consider such application in one way or the other, instead of keeping it pending indefinitely. Such non consideration of the application would amount to dereliction of the duties of such an authority and therefore, the petitioner would be justified in invoking the extraordinary powers of this Court under Article 226 of the Constitution of India.

4. It would be pertinent to point out here that in all cases where claim is made for compassionate appointment, the concerned authorities are required to act efficaciously and speedily, since the very purpose of providing appointment on compassionate ground is to mitigate the hardship due to the death of the bread-earner in the family and that there should not be any delay in such appointments. This proposition was held by the Hon'ble Apex Court in the case of **Sushma Gosain Vs. Union of India** reported in **1989 (4) SCC 468** had held as follows:

'It must be stated unequivocally that in all claims for appointment on compassionate grounds, there should not be any delay in appointment. The purpose of providing appointment on compassionate ground is to mitigate the hardship due to death of the bread earner in the family. Such appointment should, therefore, be provided immediately to redeem the family in distress. It is improper to keep such case pending for years. If there is no suitable post for appointment supernumerary post should be created to accommodate the applicant.'

5. The same ratio was reiterated by the Hon'ble Apex Court in the case of **Canara Bank Vs. M.Mahesh Kumar** reported in **2015 (7) SCC 412**.

6. In the light of the above observations, the concerned respondent is directed to consider the petitioner's representations dated 29.09.2014 and 26.03.2015 as efficaciously as possible in any event, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



1.The Additional DGP/Director,
State of Tamil Nadu,
Tamil Nadu Fire & Rescue Service Department,
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2.The Principal Secretary,
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3.The Regional Officer,
Fire & Rescue Service Department,
Thoothukudi District,
Thoothukudi.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-13000[F] dated
01/06/2020)

**Order made in
W.P. (MD) No.12715 of 2019
28.05.2020**

SPU(14.08.2020) 3P 5C