



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2020

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THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No.12455 of 2014

and M.P. (MD) No.1 of 2014

J. Stalin Raja

... Petitioner

Vs.

1. The Director General of Police,
Office of the Director General of Police,
Chennai - 600 004.

2. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

3. The Deputy Superintendent of Police,
Rajapalayam,
Virudhunagar District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari and Mandamus, to call for the records of the first respondent in his proceedings in Na.Ka.No.50077/CA2/2013, dated 03.04.2013 and quash the same as illegal, violation of principles of Law and further direct the respondents to provide compassionate appointment within the stipulated period.

For Petitioner	: Mr.L.Bhagathsingh
For Respondents	: Mr.P.Mahendran, Additional Government Pleader.

ORDER

The order impugned, dated 03.04.2013 states that the application submitted by the writ petitioner seeking appointment on compassionate ground is registered and the name of the petitioner is kept in the waiting list in Serial No.2096. His case will be considered as per the waiting list seniority.

2. The application submitted by the writ petitioner for compassionate appointment has not been rejected. In fact, the application was registered by the Authorities competent and the name of the petitioner is kept in the waiting list. His case will be considered on merits and in accordance with law whenever his turn comes for consideration.

3. Compassionate appointment is a concession. Thus, the same cannot be claimed as a matter of legal right. Compassionate



appointment is in violation of Articles 14 and 16 of the Constitution of India. No selection process is conducted. No assessment of merit is made and persons are appointed merely on the ground of the death of a deceased employee. The Government framed a special scheme in order to mitigate the circumstances arising on account of the sudden death of the Government employee. If the family is in penurious circumstances, then the case of one of the legal heirs is to be considered for compassionate appointment and not otherwise. The Authorities competent are bound to verify the financial condition of the family for the purpose of providing appointment on compassionate ground.

4.Appointment on compassionate ground is not a method of recruitment. It is a special concession granted, which is in violation of equality clause. Thus, the Authorities competent are bound to restrict the compassionate appointments in order to ensure the equal opportunity in public employment, which is provided to all the citizens of the great Nation by conducting open competitive process. In the event of large number of compassionate appointment, the efficiency level in the Public Administration would also get affected. In view of the fact that appointments are made without assessing the merits, ability and suitability, the efficiency level would get affected and therefore, the authorities should keep in mind that appointment on compassionate ground cannot be given in a large scale manner. Special schemes are to be provided only in deserving cases. If the family is genuinely in penurious circumstances, then alone, the benefit of compassionate appointment can be given and not otherwise. The practise of securing job on compassionate ground despite the fact that the family is well off can never be encouraged neither by the competent Authorities or by the Boards. The very purpose and object of the compassionate appointment scheme is to be borne in mind while considering the cases. Thorough scrutiny of the family's financial conditions and other income sources are to be ascertained by the Authorities. This being the principles to be followed while appointing a person on compassionate ground.

5.The case of the writ petitioner, even as per the impugned order is under consideration and no final decision is taken. Thus, the writ petitioner has not established any cause of action for the purpose of seeking the relief and accordingly, the present writ petition is pre-mature and stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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Chennai - 600 004.

2.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

3.The Deputy Superintendent of Police,
Rajapalayam,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-21481[F] dated 06/11/2020)

W.P. (MD) No.12455 of 2014
05.11.2020

SSS(CO)
KB(18.11.2020) 3P 5C