



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.9450 of 2014

A.Surendrababu

... Petitioner

-Vs-

1.The Chief Manager,
Human Resource Management Department,
United India Insurance Company Ltd.,
No.24, Whites Road, Chennai 600 014.

2.The Regional Manager,
United India Insurance Company Ltd.,
Regional Office,
Human Resource Management Department,
No.7A, West Veli Street,
Madurai.

... Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to give an appointment to the petitioner on compassionate ground on account of demise of the petitioner's father namely Abdul Jabbar, while he was in service in the respondents company forthwith.

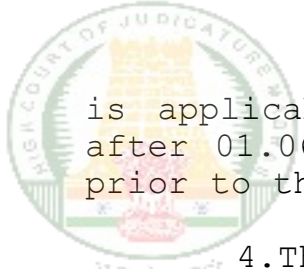
For Petitioner : Mr.T.Leninkumar
For Respondents : Mr.G.Prabhu Rajadurai

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents to give an appointment to the writ petitioner on compassionate ground.

2.The father of the writ petitioner Late.Sri.A.Abdul Jabbar, was working as Development Officer in the respondents United India Insurance Company Limited and died on 08.11.2001 while he was in service. The petitioner states that his mother submitted an application on 24.12.2001 for providing compassionate appointment. The said application was not considered for several years. Thus, the petitioner is constrained to move the present writ petition.

3.The respondents United India Insurance Company sent a reply in letter dated 19.02.2014 stating that the Scheme of affording appointment on compassionate ground has been replaced by Scheme of payment of lumpsum monetary compensation to the legal heirs of the employees, who died while in service on or after 01.06.2002. Accordingly, the legal heirs of the deceased family are eligible for lumpsum monetary compensation. The impugned order says the replaced Scheme of payment of lumpsum monetary compensation



is applicable to the employees, who died while in service on or after 01.06.2002. However, the father of the writ petitioner died prior to the implementation of the Scheme on 08.11.2001.

4.This being the factum, the case of the writ petitioner is to be reconsidered. However, there was an enormous delay in pursuing the remedy by the writ petitioner. Though the petitioner's father died in the year 2001 and the application was filed in the year 2001, the writ petitioner was not pursuing his remedy for more than 13 years till the reply is sent by the first respondent in letter dated 19.02.2014. The department factor to be considered for providing compassionate appointment is in indigent circumstances arose on account of the sudden death of an employee. In the present case, efflux of time would be a ground to draw the factual interference that the penurious circumstances arose became vanished. Thus, the writ petitioner is not entitled to claim compassionate appointment after several years from the death of the deceased employee. Under these circumstances, the case of the writ petitioner falls within the Scheme of compassionate appointment. The respondent shall consider the same in accordance with law. However, the relief as such sought for in the present writ petition cannot be considered. Accordingly, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AE)

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Sub Assistant Registrar(CS)

Rmk

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-24177[F] dated 07/12/2020)

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-24164[F] dated 07/12/2020)

W.P. (MD) .No.9450 of 2014

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