



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2020

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.6508 of 2015

M.Vallimayil

... Petitioner

Vs

1.The District Collector,
Virudhunagar District @
Virudhunagar.

2.The Assistant Director of Rural Development (Audit)
Virudhunagar.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records passed by the first respondent herein in Na.Ka.P3 733/12 dated 01.06.2012 and the consequential order passed by the second respondent herein in Na.Ka.No.220/2015/A1 dated 03.03.2015 and quash the same and consequently direct the respondents herein to consider the petitioner's case for appointment on compassionate grounds.

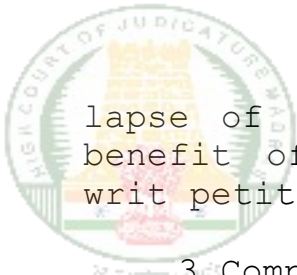
For Petitioner : M/s.M.Padmavathy

For R1 and R2 : Mr.D.Muruganandham
Additional Government Pleader

ORDER

The order impugned, dated 03.03.2015, stating that the mother of the petitioner viz., Tmt.Rajammal was an employee of Watrap Panchayat Union Office, Kariyapatti and was missing from 02.02.1997. It is stated that subsequently, she died and based on that, the petitioner filed a petition seeking an appointment on compassionate ground. The impugned order further states that the said Tmt.Rajammal while working as a Junior Assistant, resigned her job on 10.03.1997 and the District Collector, Virudhunagar, accepted the letter of resignation and passed an order in proceedings No.Na.Ka.B3/5456/1999, dated 01.11.1999.

2.In view of the fact that the resignation of the deceased employee was accepted by the District Collector on 01.11.1999 and <https://hdservices.ecourts.gov.in/hdservices/> for compassionate appointment was filed after a



lapse of so many years, more specifically, after 16 years, the benefit of compassionate appointment cannot be extended to the writ petitioner.

3.Compassionate appointment is a concession and can never be claimed as a matter of right. As per the scheme of compassionate appointment, the eligible persons have to approach the competent authority, soon after the death of the deceased employee. Contrarily, the application submitted after a lapse of many years cannot be entertained, as indigent circumstances arose on account of the sudden death of the deceased employee became vanished.

4.Thus, such claim for appointment on compassionate ground cannot be entertained after a long years. This being the principles to be followed. The impugned order passed by the respondent is in consonance with the settled legal principles. Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To

1.The District Collector,
Virudhunagar District @
Virudhunagar.

2.The Assistant Director of Rural Development (Audit)
Virudhunagar.

+1 CC to SGP (SR-23110[F] dated 27/11/2020)

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26.11.2020

KG (CO)

KM (07.12.2020) 2P 4C