

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Reserved on	28.02.2020
Pronounced on	28.05.2020

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CORAM:**THE HONOURABLE MR. JUSTICE M.S.RAMESH****W.P. (MD) No.100 of 2016****and****W.M.P. (MD) No.80 of 2016**

G.Rajesh

...Petitioner

Vs.

1. The Director,
Directorate of Adi Dravidar
Welfare Department,
Chennai - 5.
2. The District Adi Dravidar
Welfare Officer,
Thanjavur District,
Thanjavur.
3. The Headmaster,
Government Adi Dravidar Welfare
Higher Secondary School,
Agarapettai,
Thanjavur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned communication dated 07.09.2015 in Na.Ka.No.E5/28144/2014 passed by the first respondent and to quash the same as illegal and consequently direct the first respondent to appoint the petitioner on the basis of compassionate ground due to death of his father namely Late. Govindarajan based on the proposals dated 25.06.2004 and 14.11.2006 made by the third respondent.

For Petitioner : Mr.Karthick Subramanian
For Respondents : Mr.R.Sethuram, SGP

O R D E R

The petitioner's father, who was employed with the respondents herein, had died in harness. The petitioner, who claims to be the



legal heir of the deceased employee, had made an application before the respondents on 14.10.2014, seeking for appointment on compassionate ground. Since the said application was not considered in time, the present Writ Petition has been filed.

2. Heard Mr.Karthick Subramanian, learned counsel for the petitioner and Mr.R.Sethuram, 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 impugned communication dated 07.09.2015 in Na.Ka.No.E5/28144/2014 passed by the first respondent is set aside. Consequently, there shall be a direction to the concerned respondent to consider the petitioner's representation dated 14.10.2014 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. Consequently, connected Miscellaneous Petition is closed. No costs.

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// True Copy //

Sd/-

Assistant Registrar (AS)

/ /2020

Sub Assistant Registrar(CS)

DP

To

1. The Director,
Directorate of Adi Dravidar
Welfare Department,
Chennai - 5.
2. The District Adi Dravidar
Welfare Officer,
Thanjavur District,
Thanjavur.
3. The Headmaster,
Government Adi Dravidar Welfare
Higher Secondary School,
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Thanjavur District.

+1 CC to Mr.S.KARTHIK SUBRAMANIAN, Advocate (SR-9278[F] dated 28/02/2020)

**Order made in
W.P. (MD) No.100 of 2016
and
W.M.P. (MD) No.80 of 2016
28.05.2020**

VB (17.06.2020) 3P 5C