

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2021

CORAM :
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2151 of 2021

D.Venkadesh

... Petitioner

Vs.

1. The District Collector,
Thiruvallur District,
Thiruvallur.

2. The Tashildar,
Gummidipoondi Taluk,
Thiruvallur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records relating to the order of the 1st Respondent made in Na.Ka.A1/3228/2020, dated 14.12.2020, to quash the same and to consequently direct the Respondents to appoint the Petitioner to any eligible post on compassionate ground with all benefits arising thereto.

For Petitioner : Mr.L.Chandrakumar

O R D E R

Petitioner has come up with this Writ Petition seeking to quash the impugned order dated 14.12.2020 passed by the 1st Respondent vide Na.Ka.A1/3228/2020, and for a direction to the Respondents to provide him appointment on compassionate ground.

2. According to the Petitioner, his father J.Devaraj, who was working as Village Assistant in the Respondent-Revenue Department, died on 17.06.2015, leaving behind him, the Petitioner and three married daughters. After his father's demise, the Petitioner made an Application to the Respondents on 27.11.2015 seeking consideration of his claim for appointment to any eligible post, as he had completed 10th Standard. However, his claim was rejected on the ground that, he was a minor at that point of time. Thereafter, on attaining majority, the Petitioner made a reminder representation dated 03.02.2020 to

the Respondents and had also submitted individual 'No Objection Letters' from his sisters, for consideration of his claim for compassionate appointment. However, the same has been rejected by the 1st Respondent vide order dated 14.12.2020, on the sole premise that, the Application came to be made belatedly. Challenging the said order, the Petitioner is before this Court.

3. Heard the learned counsel on either side and perused the material documents available on record.

4. Though it is stated that, Petitioner made an Application seeking compassionate appointment, within three years from the date of demise of his father, his claim could not be considered, as he was a minor at that point of time. It is seen that, the Petitioner made a reminder representation to the Respondents as regards his claim for compassionate appointment only on 03.02.2020, and not immediately after attaining majority. Hence, on the sole ground that, the Petitioner made the Application belatedly, i.e. beyond three years after the demise of his father, the 1st Respondent rejected the Petitioner's claim.

5. While considering the claim for employment on compassionate ground, the Apex Court, in the case of Bhawani Prasad Sonkar vs. Union of India and others reported in (2011 (4) SCC 209), has discussed about the factors that have to be borne in mind. Relevant portion of the said judgment is extracted hereunder:

"20. Thus while considering a claim for employment on compassionate ground, the following factors have to be borne in mind:

(i) Compassionate employment cannot be made in the absence of rules of regulations issued by the Government or a public authority. The request is to be considered strictly in accordance with the governing scheme, and no discretion as such is left with any authority to make compassionate appointment de-hors the scheme.

(ii) An application for compassionate employment must be preferred without undue delay and has to be considered within a reasonable period of time.

(iii) An appointment on compassionate ground is to meet the sudden crisis occurring in the family on account of the death or medical invalidation of the bread-winner while in service. Therefore, compassionate employment cannot be granted as

a matter of course by way of largesse irrespective of the financial condition of the deceased/incapacitated employee's family at the time of his death or incapacity, as the case may be.

(iv) Compassionate employment is permissible only to one of the dependants of the deceased/incapacitated employee viz. Parents, spouse, son or daughter and not to all relatives, and such appointments should be only to the lowest category that is Class III and IV posts."

6. As held by the Hon'ble Apex Court in Bhawani Prasad Sonkar's case (supra), the purpose of compassionate appointment is to meet the sudden crisis and there is no need to keep a post to claim after 18 years. However, it should be remembered that compassionate appointment is not an usual recruitment process and the candidates seeking such appointment will have to satisfy all the requirements contemplated under the Rules with regard to age, qualification, etc.

7. As the Petitioner herein has not made an Application within the stipulated period, the impugned order passed by the 1st Respondent does not require any interference. Accordingly, this Writ Petition stands dismissed as devoid of merits. No costs. Consequently, connected W.M.P.No.2430 of 2021 is closed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

(aeb)

To:

1. The District Collector,
Thiruvallur District, Thiruvallur.
2. The Tashildar,
Gummidipoondi Taluk,
Thiruvallur District.

+1cc to Mr.L.Chandrakumar, Advocate SR.No.6021

W.P.No.2151 of 2021

JPL (CO)

GMV (05/07/2021)