



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A.NO.1288 OF 2021

M.Shandramohan

...Appellant

Vs.

1. The Director of Elementary School Education,
DPI Compound, College Road,
Chennai - 6.
2. The District Elementary School,
Educational Officer, Erode,
Erode District.
3. The District Educational Officer,
Erode, Erode District

...Respondents

Prayer:

Writ Appeal filed under clause 15 of the Letters Patent to set aside the order dated 05.11.2020 in W.P.No.19814 of 2013.

W.P.No.19814 of 2013:-

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of certiorarified mandamus Calling for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No.2417/A1/2013 dated 10.06.2013 and quash the same and consequently directing the respondents to appoint the petitioner on compassionate ground in the respondents department.

For Appellant : Mr.C.Prakasam

For Respondents : Mr.C.Jayaprakash
Government Counsel



JUDGMENT

(Judgment of Court was delivered by PUSHPA SATHYANARAYANA, J.)

This intra-court appeal is preferred questioning the order of the learned single Judge dated 10.06.2013 made in W.P. No.19814 of 2013, wherein the writ court declined the relief prayed for by the petitioner.

2. The case of the appellant/writ petitioner is that his father was Headmaster in Elementary School, who died in harness on 21.07.1996. The deceased had a daughter through the first wife and a son and daughter through the second wife. Though originally the daughter through the first wife, had applied for compassionate appointment, the same was dropped, as she got married. Thereafter, the appellant, who was a minor at that point of time, after attaining majority, had applied for compassionate appointment, which was rightly rejected by the authorities.

3. The Writ Court had also considered the Full Bench Judgment made in W.P.MD.Nos.7016 of 2011 etc., batch dated 11.03.2020, wherein, it has been categorically held that any application for compassionate appointment beyond the period of three years from the date of death of the employee, cannot be entertained, as it goes against the scheme of granting compassionate appointment, which is only intended as a succour to the family during the financial crisis when the sole breadwinner is dead and held that any compassionate appointment should be made within the framework of the said scheme.

4. The appellant is the son born through the second wife of the deceased and he was a minor on the date of the death of the employee. When it is not a matter of right to claim the compassionate appointment, the application of the appellant through made within three years after attaining majority is unsustainable and the same was rightly rejected by the respondents and upheld by the learned Single Judge. The father of the writ petitioner died on 27.01.1996 and the application for compassionate appointment was made by the writ petitioner, after rejection of the first application by his sister, for the second time only on 03.08.2006, which is impermissible, in view of the above judgment of the Full Bench. Hence, we see no merits in the case of the appellant/writ petitioner.



5. Accordingly, the Writ Appeal is dismissed. However, there is no order as to costs.

WEB COPY

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Director of Elementary School Education,
DPI Compound, College Road,
Chennai - 6.
2. The District Elementary School,
Educational Officer, Erode,
Erode District.
3. The District Educational Officer,
Erode, Erode District.

+1cc to the Government Pleader, S.R.No.41113

W.A.No.1288 of 2021

SSV(CO)
CS/17/09/2021