



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

CORAM :

THE HON'BLE MR. JUSTICE M. DURAISWAMY
AND
THE HON'BLE MR. JUSTICE J. SATHYA NARAYANA PRASAD

Writ Appeal No.1127 of 2021

G.G.Sharma ... Appellant/ Petitioner

Vs.

1.The Director of School Education
DPI Complex, College Road,
Chennai - 600 006.

2.The Chief Education Officer
Salem District, Salem

3.The District Education Officer
Sankagiri, Salem District

4.The Headmaster
Government High School
Kaveripuram Post, Mettur Taluk,
Salem District.

... Respondents

Prayer : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 27.07.2020 made in W.P.No.9654 of 2020.

Prayer in W.P.No.9654 of 2020:

Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, Calling for the records relating to order of rejection passed in Moo.Mu.No.78235/J/E4/2019 dated 26.05.2020 on the file of the first respondent quash the same and direct the respondents to provide suitable employment to the petitioner on compassionate ground.

For Appellant : Mr.S.Doraisamy
for Mr.V.Elangovan

For Respondents: Ms.Mythereya Chandra
Special Government Pleader



J U D G M E N T
(Delivered by M. DURAISWAMY, J.)

Challenging the order dated 27.07.2020 passed in W.P. No.9654 of 2020, the writ petitioner has filed the above writ appeal.

2. The appellant has filed the writ petition to issue a writ of certiorarified mandamus, to call for the records relating to the order of rejection dated 26.05.2020 on the file of the first respondent and to quash the same and consequently, directing the respondents to provide suitable employment to the petitioner on compassionate ground.

3. It is not in dispute that the father of the appellant had died in harness on 18.07.2001 and that his mother made an application for compassionate appointment on 29.10.2001. Subsequently, the said application was remanded back to the applicant, namely Tmt.Selvakumari, for want of additional details. Thereafter, the writ petitioner submitted a fresh application dated 21.03.2018 seeking for compassionate appointment.

4. The learned single Judge, taking into consideration the submission made by both the parties, dismissed the writ petition. Challenging the same, the above writ appeal has been filed by the writ petitioner.

5. On a careful consideration of the materials available, it could be seen that the appellant's mother submitted her application seeking for compassionate appointment on 29.10.2001. In the order impugned in the writ petition, the first respondent has stated that the application submitted by the mother of the appellant was remanded back to her for want of additional details. Instead of re-presenting the application, the appellant submitted a fresh application after a lapse of 16 years. It is settled law that an application seeking for compassionate appointment should be made within three years from the date of death of the employee.

6. Mr.S.Doraisamy, learned counsel appearing for the appellant submitted that, as per G.O. (Ms) No.18 Labour and Employment (Q1) Department dated 23.01.2020, if the applicant (legal heir of the deceased Government Servant) died after applying for compassionate ground appointment, an alternative application may be accepted from the another legal heir of the deceased Government servant, subject to the conditions prescribed for compassionate ground appointment and therefore, the application submitted by the appellant should have been accepted by the respondent.



7. But, on a careful perusal of the said Government Order, it is clear that the said Government Order is applicable only in the case of the applicant, who is the legal heir of the deceased Government servant had died after applying for compassionate ground appointment. In such circumstances, alternatively an application may be accepted from another legal heir of the deceased Government servant. In the case on hand, the mother of the appellant, namely Tmt.Selvakumari, is very much alive and therefore, the said Government Order, cannot be made applicable to the case of the appellant.

8. So far as the remand of the application to Tmt.Selvakumari seeking for additional details is concerned, the appellant has not disputed the said contention in the affidavit filed in support of his writ petition. In these circumstances, the application submitted by the appellant after a lapse of 16 years, cannot be considered. The learned single Judge has rightly dismissed the writ petition. We do not find any ground to interfere with the order of the learned single Judge.

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

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Asr

To

1.The Director of School Education
DPI Complex, College Road,
Chennai - 600 006.

2.The Chief Education Officer
Salem District, Salem

3.The District Education Officer
Sankagiri, Salem District

4.The Headmaster
Government High School
Kaveripuram Post, Mettur Taluk, Salem District.

+1 cc to Mr.S.Doraisamy, Advocate Sr.NO. 68003

+1 cc to Government Pleader Sr.NO. 68649

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CA(CO)

A.SK(04.01.2022)