

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.4341 of 2021

M.Indumathi

... Petitioner

Vs.

1. The Joint Secretary,
Agriculture Department,
Government of Tamil Nadu,
Secretariat, Chennai 600 009.
2. The Director,
Department of Agriculture,
Government of Tamil Nadu,
Chepauk, Chennai 600 005.
3. The Joint Director,
Department of Agriculture,
Government of Tamil Nadu,
Coimbatore - 13.
4. The Agriculture Development Officer,
(Extension of Agriculture Department),
Madukarai, Coimbatore - 641 105.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the entire records in connection with the Letter in Lr.No.ANeP6/107618/2016, dated 01.08.2019 issued by the 2nd Respondent along with the Letter in Lr.No.A2/3482/2017, dated 23.10.2018 issued by the 3rd Respondent and the Lr.No.2290/VaNe9/2018-3, dated 23.07.2018, issued by the 1st Respondent and to quash the same and consequently direct the Respondents to appoint the Petitioner in any employment on compassionate ground.

For Petitioner : Mr.A.Senkanal

For Respondents: Mr.P.Karthikeyan,
Addl. Government Pleader

O R D E R

Petitioner has come up with this Writ Petition seeking to quash the Letter in Lr.No.ANeP6/107618/2016, dated 01.08.2019 issued by the 2nd Respondent along with the Letter in Lr.No.A2/3482/2017, dated 23.10.2018 issued by the 3rd Respondent and the Lr.No.2290/VaNe9/2018-3, dated 23.07.2018, issued by the 1st Respondent and for a consequential direction to the Respondents to provide her employment on compassionate ground.

2. According to the Petitioner, her father, who was employed as Assistant Salesman in the Respondent Department, died on 02.04.1999 during the course of employment. She further stated that, at that point of time, both herself and her elder sister were minors and that, her mother sent representations dated 03.01.2000 and 15.07.2003 to the Respondent to consider her case for compassionate appointment. But, the said representations were rejected. Thereafter, on 05.09.2006, the Petitioner made an application to the 2nd Respondent to consider her for employment on compassionate ground. However, by the orders impugned in this Writ Petition, the Petitioner's representation was rejected. Hence, the present Writ Petition.

3. Though the Petitioner claims that, her mother made a representation to the Respondents on 03.01.2000 and on 15.07.2003, there is no iota of evidence to that effect.

4. 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."

5. Thus, when there is no evidence to the effect that, the Petitioner made representation to the Respondents within three years from the date of death of her father, taking into account the ratio laid down by the Apex Court in the decision referred to supra, this Court holds that, the Petitioner herein is not eligible for the relief sought for in this Writ Petition. Hence, this Writ Petition stands dismissed as devoid of merits. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

(aeb)

To:

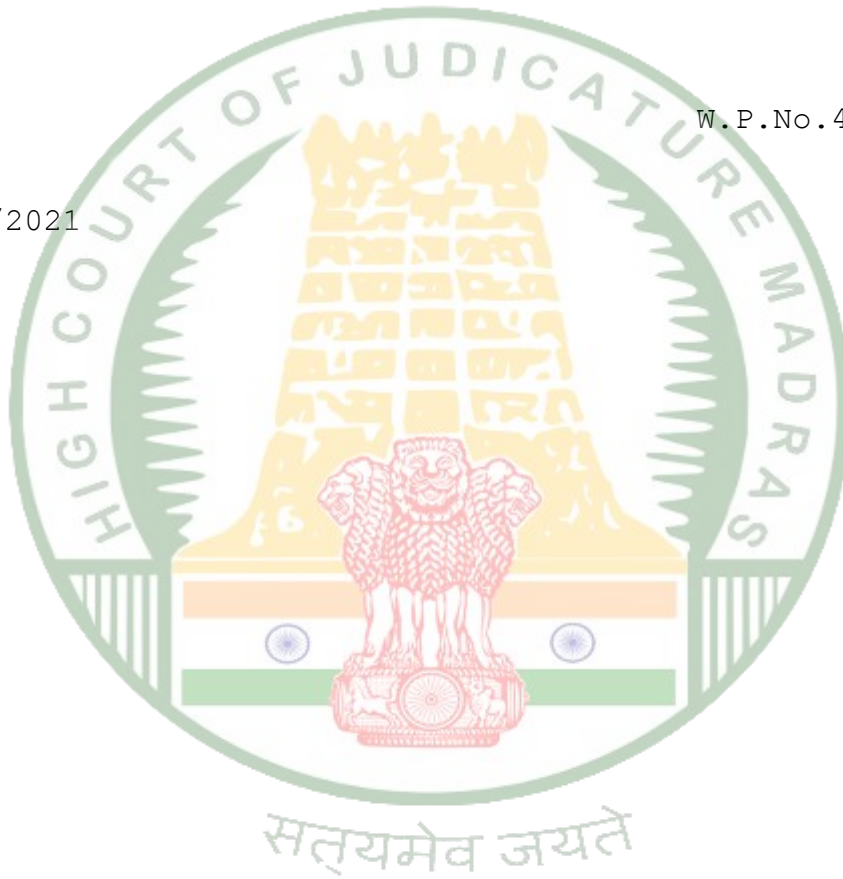
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+1cc to M/s.R.Prabhavathy, Advocate Sr.12276

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srg 24/03/2021



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