

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.16760 of 2014

&

MP.No.1 of 2015

Veerakumar

... Petitioner

Vs

1. The Chief Minister Grievance Cell,
Secretariat, Chennai - 600 009.

2. The District Collector,
District Collector Office,
Tiruppur District, Tiruppur.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 26.08.2013 within a short time frame fixed by the Court.

For Petitioner : Mr.R.Gokulakrishnan

For Respondents : Mr.R.S.Selvam, GA

ORDER

The prayer made in this Writ Petition is to direct the second respondent to consider the petitioner's representation dated 26.08.2013 within a short time to be fixed by this Court.

2. According to the Petitioner, his father Thirugnanam was working as a Driver in Vellakovil Panchayat Union and he died on 30.03.1985 while he was in service. One Mageswari gave problem as if she is the legal heir of the deceased Thirugnanam, which compelled the petitioner to file a suit in O.S.No.630 of 2007, which was dismissed by the District Munsif Court, Karur. Challenging the same, the petitioner preferred AS.No.65/2011, which by judgment and decree dated 20.09.2012 passed by the learned Sub Judge, Karur, was allowed and the petitioner and his

mother were declared as legal heirs of the deceased Thirugnanam. Thereafter, the petitioner submitted a representation dated 26.08.2013 to the second respondent seeking appointment on compassionate ground, which was not considered till date. Hence, this writ petition.

3. Upon notice, the second respondent filed a detailed counter affidavit, wherein, it is inter alia stated that according to the entries in the service register of the deceased employee, the pensionary benefit was sanctioned to one Mageswari, who is the wife of the deceased employee. It is further stated therein that as per the Government orders in existence compassionate appointment will be provided to the legal heirs of the deceased Government Servant, only if the legal heirs of the deceased Government Servant submitted their application to the competent authority within 3 years from the date of death of Government Servant, whereas the petitioner submitted the representation seeking compassionate appointment, after a lapse of 28 years from the date of death of his father and hence, he is not eligible for the appointment on compassionate ground. Stating so, his representation was rejected, which was also communicated to the petitioner.

4. Heard both sides and perused the materials brought on record.

5. Admittedly, the petitioner made representation seeking appointment on compassionate ground, belatedly, that too, after a lapse of 28 years from the date of death of his father. Whereas, the Government Order is very clear that the application seeking compassionate appointment should be made within a period of three years from the date of death of the Government servant. When such being the position, this Court is of the opinion that the appointment on compassionate ground cannot be made after the lapse of a period specified in the rules, as it is not a vested right to exercise at any time in future. Hence, the rejection of the petitioner's representation seeking such appointment is perfectly right and the same warrants no interference.

6. At this juncture, it is noteworthy to mention the observation of the Supreme Court in Chief Commissioner, Central Excise and Customs and others v. Prabhat Singh [(2012) 13 SCC 412] that "the Court should not fall prey to any sympathy syndrome of issue direction for compassionate appointment dehors prescribed norms".

7.In such view of the matter, this writ petition sans merits and is accordingly, dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Minister Grievance Cell,
Secretariate, Chennai - 600 009.
2. The District Collector,
District Collector Office,
Tiruppur District, Tiruppur.

+1cc to M/s.R.Gokulakrishnan, Advocate Sr.1541
+1cc to the Government Pleader Sr.1656

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