



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.21011 OF 2021
(THROUGH VIDEO CONFERENCING)

S.Santhalin Shebila

... Petitioner

Vs

1. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai - 600 003.
2. The Education Officer,
Education Department,
Greater Chennai Corporation,
Chennai - 600 003.
3. The Zonal Officer,
Zone VI, Greater Chennai Corporation,
Chennai - 600 023.
4. The Secretary to Government,
Municipal Administration,
Water Supply Department,
Fort St. George, Chennai - 600 009.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records on the file of the second respondent in proceedings Ka.Thu.Na.Ka.No.P5/564/2021 dated 11.03.2021 and quash the same as illegal, incompetent and without jurisdiction and further direct the second respondent to appoint petitioner on Compassionate Grounds.

For Petitioner : Ms.N.Beulah John Selvaraj
For Respondents : Mr.M.Ganesan

ORDER

The petitioner's mother died on 27.11.2000 while serving as a Teacher in the Corporation Primary School, TT Thottam,



Chennai. At the time of death of the petitioner's mother, the petitioner was aged about 5 years. The petitioner's father filed an application on 11.04.2001 and requested the respondents to reserve a post for the petitioner as the petitioner was a minor in 2001.

2. The petitioner appears to have completed Education and has also obtained a Master Degree in Computer Application in the year 2018 long after the death of the petitioner's mother on 27.11.2000. Now, the petitioner has filed an application before the respondents to consider the request for being appointed on compassionate grounds. The respondents have rejected the application filed by the petitioner on the ground that the request of the petitioner cannot be considered as there is a considerable lapse of time between the death of the petitioner's mother and the request for appointing the petitioner on compassionate grounds.

3. The facts indicates that the petitioner's mother was a Government servant. After her death, the family is receiving family pension. If the family was in indigent circumstances, it was for the petitioner's father to have applied for appointment on compassionate grounds as per the prevailing Government Rules and Orders at that point of time.

4. The facts indicate that the family was not in indigent circumstances as the petitioner has not only completed her School Education but has also completed Under Graduation in 2016 and Post Graduation in 2018. Appointment on compassionate ground is a beneficial tool in the hands of the employer to help the family to tide over the loss due to the death of the bread winner. It cannot be used as a mode of reservation in appointment or preference in employment, long after the death of the employer when the facts indicate that the family was not in penury and reduced to the lowest ebbs of poverty. The fact that the petitioner has completed her Post Graduation indicates, the family of the petitioner was not in indigent circumstances.

5. In the light of the above, I do not find any merits in this writ petition and this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

arb



To

1. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai - 600 003.
2. The Education Officer,
Education Department,
Greater Chennai Corporation,
Chennai - 600 003.
3. The Zonal Officer,
Zone VI, Greater Chennai Corporation,
Chennai - 600 023.
4. The Secretary to Government,
Government of Tamilnadu,
Municipal Administration,
Water Supply Department,
Fort St. George, Chennai - 600 009.

+1cc to Mr.M.Ganesan, Advocate, S.R.No.51484
+1cc to the Government Pleader, S.R.No.51576

W.P.No.21011 of 2021

VSNI (CO)
PM/28/10/2021