



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.24425 of 2021

S.Ramachandran

... Petitioner

.Vs.

1. The Chief Educational Officer,
Villupuram District,
Villupuram.

2. The District Educational Officer,
Villupuram Education District,
Villupuram.

... Respondents

PRAYER:-

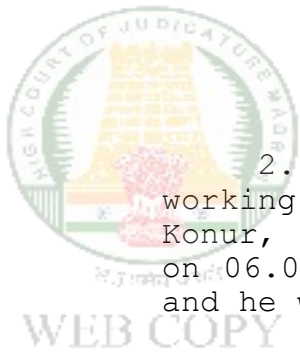
Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pass orders on the proposal submitted by the 2nd respondent to the 1st respondent vide proceedings in Na.Ka.No.8429/A1/2017 dated 02.03.2021 to grant appointment to the petitioner on compassionate ground based on his qualification, within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.G.Krishna Raja
Additional Government Pleader

O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus directing the respondents to pass orders on the proposal submitted by the 2nd respondent to the 1st respondent vide proceedings in Na.Ka.No.8429/A1/2017 dated 02.03.2021 to grant appointment to the petitioner on compassionate ground based on his qualification, within a time frame to be fixed by this Court.



2. The case of the petitioner is that his father was working as Office Assistant in the Government High School, Konur, Villupuram District. While he is in service, he expired on 06.01.1997. When his father died, the petitioner was a minor and he was only 15 years old.

3. On completion of his 10th standard, the petitioner submitted an application seeking compassionate appointment on 13.12.1999. According to him, his application was forwarded to the Headmaster of the Government School where his father last worked. Thereafter, it appeared that some particulars were asked for and it was submitted by him.

4. According to the petitioner without taking any final decision, repeated clarification had been sought by the authorities. At one point of time, he was forced to resubmit an application on 19.06.2012. Thereafter, the proposal was resubmitted and even as late as in February 2018 further more details were sought from the petitioner.

5. According to the petitioner, the last of the communications of the authority was dated 02.03.2021 and the same remained as proposal only without taking any final action. In the said circumstances, the petitioner is before this Court with a prayer to issue a writ of mandamus.

6. This Court is unable to appreciate that the cause of action had arisen in 1997 itself when the father of the petitioner died while in service and thereafter, more than 23 years have elapsed and still, according to the petitioner herein, the correspondences are being exchanged as between the officials on one end and the petitioner herein.

7. It is needless to mention that the scheme for compassionate appointment contemplate immediate offer of employment assistance to the family of the deceased Government employee in order to tide over the sudden crisis. Such offer of employment cannot be kept open for indefinite period of time to be claimed as a matter of right.

8. This Court has been consistently holding that repeated representations would not extend the period of cause of action and such stale claims ought not to be entertained by the Court. In any event, it is not a matter of right to claim compassionate



appointment but such claim should be made within three years period stipulated in the scheme. The petitioner cannot approach this Court leisurely and seek a direction to the authorities to consider his request for compassionate appointment at this distance of time.

9. For the aforesaid reasons, the Writ Petition stands dismissed at the admission stage itself. No cost

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Chief Educational Officer,
Villupuram District,
Villupuram.
2. The District Educational Officer,
Villupuram Education District,
Villupuram.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.59602
+1cc to the Government Pleader, S.R.No.59777

W.P.NO.24425 OF 2021

PMK (CO)
PBS/07/12/2021