



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.26873 of 2021 and
W.M.P.No.28322 of 2021

K.Raman

... Petitioner

Vs

1.The Secretary to Government,
Labour and Employment Department,
Fort St.George,
Secretariat,
Chennai-9.

2.The District Collector,
Collectorate,
Tiruvannamalai District.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Tindivanam Road,
Tiruvannamalai District.

4.The Tahsildar,
Thandarampattu,
Tiruvannamalai District.

... Respondents

PRAYER :

Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the order in Na.Ka.A3/7329/2015 dated 25.09.2019 and the order in Na.Ka.A3/31582/2020 dated 14.12.2020 passed by the second respondent and quash the same and consequently, direct the respondents to consider the petitioner's claim for compassionate appointment in the place of his father late Kuberan who died in harness on 25.01.1997 and appoint him in any suitable post in the light of G.O.Ms.No.362 dated 07.07.1999.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader



O R D E R

This writ petition has been filed to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the order in Na.Ka.A3/7329/2015 dated 25.09.2019 and the order in Na.Ka.A3/31582/2020 dated 14.12.2020 passed by the second respondent and quash the same and consequently, direct the respondents to consider the petitioner's claim for compassionate appointment in the place of his father late Kuberan who died in harness on 25.01.1997 and appoint him in any suitable post in the light of G.O.Ms.No.362 dated 07.07.1999.

2. The case of the petitioner is that his father was working as Village Assistant at Bontai Village, Thandarampattu Taluk, Tiruvannamalai District. According to him, he died in harness on 25.01.1997, leaving behind the petitioner, his mother, his sister and brother as legal heirs. According to him, he submitted an application seeking employment on compassionate grounds in the year 2000 and he was directed to submit all the documents required for consideration vide communication dated 21.03.2003. According to the petitioner, he had submitted all the relevant documents to the fourth respondent. But however, the competent authority has passed an order, rejecting the claim of the petitioner vide order dated 25.09.2019. The order says that the petitioner had crossed the age of 35 years and he was 38 years old at that time and also contradictions were noticed in the certificates produced by the petitioner. The petitioner appeared to have submitted a further representation. But however, finally his request came to be rejected vide impugned order dated 14.12.2020, stating that there are discrepancies in the birth certificate and other certificates produced by him. Challenging the same, the petitioner is before this Court.

3. As per his declaration in the affidavit, the petitioner is 48 years old and his father said to have died in 1997. From these facts alone, this Court finds that the claim of the petitioner cannot be countenanced both in law and on facts. This Court has repeatedly held that the offer of compassionate appointment is to render immediate employment assistance to the family of the deceased employee. Such offer cannot be pending for indefinite period of time and particularly, in the cases like this, where the petitioner's father died in 1997 and the present writ petition is filed in 2021. The claim of the petitioner is hopelessly time barred and hit by several laches. Such a stale claim cannot be entertained at this distance of time. Moreover, the petitioner is now 48 years old. He is also ineligible to be considered for compassionate appointment at this point of time.



4. For the above said reasons, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

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Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
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Chennai-9.

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+2cc to the Government Pleader, S.R.No.67952,68662

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VSN-II (CO)
CT 24/01/2022