



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A.No.941 of 2017
and C.M.P.No.13067 of 2017

L.Gopi ...Appellant
vs

1. The Special Commissioner and Director,
Land Survey and Land Tax,
Planning, Chennai -5.
2. The District Collector,
Salem District.
3. The Assistant Director,
District land Survey Department,
Salem -7.

...Respondents

Prayer: Writ Appeal filed under clause 15 of the Letters Patent Act against the final order dated 13.08.2012, made in W.P. No.21968 of 2012.

Prayer in W.P. No.21968 of 2012: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the 3rd respondent vide his office Proc.No. Na.Ka.A1/12707/06 dated 12.9.2008 and quash the same and consequently direct the respondents to appoint the petitioner in any of the qualified post under compassionate appointment within an appropriate time.

For Appellant	:	Mr.D.Singaravelu
For Respondents	:	Mr.R.Neelakandan State Government Counsel

JUDGMENT

(Delivered by Pushpa Sathyanarayana.J.,)

This Writ Appeal is directed against the order of the learned Single Judge in W.P.No.21968 of 2021 dated 13.08.2012.



2.The appellant/writ petitioner's father G.Loganathan was working as a Land Assistant in the 3rd respondent Office. He died on 31.01.2003, while in service, leaving behind his wife, daughter and son/appellant herein. The appellant made an application for compassionate appointment on 11.02.2016, which was rejected by the respondents as the application was made belatedly after three years and ten months of his father's death. The appellant was eligible to apply for compassionate appointment immediately after his father's death and in fact his mother was 37 years old and she was also eligible for any job suitable to her capacity. The writ petition, challenging the order of rejection, was dismissed by this Court on the ground of delay and laches. Thereafter, the appellant preferred a Review Application, which also met with the same fate. Hence, the present Writ Appeal has been filed.

3.It is now well settled that, any application for appointment on compassionate ground has to be made within three years from the date of death of the employee. The Government has also issued guidelines in this regard. The object behind giving compassionate appointment is just to help the family in penury to get over the immediate crisis due to the loss of sole breadwinner. That is why, three years time limit has been prescribed for making such application. In the present case, the wife of the employee was 37 years and the appellant, who is the son of the employee was 19 years on the date of death of the employee. Though both the appellant and his mother were eligible for making such application, they were failed to make such application within the prescribed time. Therefore, considering the same, the learned Judge has rightly dismissed the Writ Petition, with which, we do not find any infirmity in order to interfere with the same.

4.In the result, the Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rst

To:

1. The Special Commissioner and Director,
Land Survey and Land Tax,
Planning, Chennai -5.



2. The District Collector,
Salem District.

3. The Assistant Director,
District land Survey Department,
Salem -7.

+1 CC to Mr.B.Singaravelu, Advocate, Sr.No. 42450.

+1 CC to The Government Pleader, Sr.No. 42647.

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NRL (CO)
LS (16/09/2021)