



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.1878 of 2021

and W.M.P. (MD) No.1620 of 2021

R.Jothimani

... Petitioner

-vs-

1.Chief Engineer (Agrl. Engg),
Agricultural Engineering Department,
487, Anna Salai, Nandanam,
Chennai - 600 035.

2.The Superintending Engineer,
Agricultural Engineering Department,
Madurai.

3.The Executive Engineer,
Agricultural Engineering Department,
455, Madurai Road,
Theni.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, calling for the records relating to the impugned proceedings of the 3rd respondent in கடித எண்:இ/1312/2020, dated 13.01.2021 and quash the same as illegal and consequently direct the respondents to consider the petitioner's son viz., Mr.Vignesh Kumar for compassionate appointment instead of the petitioner within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.A.K.Manickam,
Standing Counsel for Government

O R D E R

The prayer in this writ petition is for issuance of a writ of certiorarified mandamus to quash the order dated 13.01.2021, passed by the third respondent and to direct the respondents to consider the petitioner's son viz., Mr.Vignesh Kumar for compassionate appointment instead of the petitioner.

2. The case of the petitioner is that her husband was working as Assistant Executive Engineer in the third respondent's



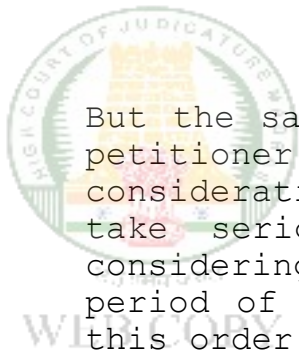
office and he died on 22.02.2010, while he was in service. On 19.08.2010, the petitioner made an application to the respondents seeking compassionate appointment for herself, within the three years period. Thereafter, the petitioner submitted an application on 17.08.2011 seeking compassionate appointment for her son. However, the said representation was rejected on the ground that the petitioner's son was minor at the time of submitting the application. Thereafter, the petitioner made an application on 12.09.2012, seeking compassionate appointment, after her son attains majority, however, the same was also rejected by the respondents. The said rejection order was not challenged by the petitioner and the same has become final. Thereafter, the writ petitioner submitted an application on 21.12.2020, seeking compassionate appointment for her son. The said application was rejected on the ground that compassionate appointment could be given only to the petitioner and there is no provision for considering the request for alternative employment on compassionate appointment. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submitted that the reason for rejecting the petitioner's request was not correct. He further submits that the petitioner's application is still pending and there is no bar for considering the request made by the petitioner seeking compassionate appointment for her son. Hence, the impugned order is liable to be set aside.

4. The learned Standing Counsel for Government appearing for the respondents relying upon the counter affidavit submitted that the petitioner is not willing to get an employment for herself and hence, she made an application seeking compassionate appointment for her son. He further submits that compassionate appointment could be given only to the petitioner herein, as the petitioner's son was minor at the time of death of the deceased employee. Therefore, the third respondent has rightly passed the impugned order and the same does not warrant interference.

5. I have anxiously considered the rival submissions of the learned counsel for the parties and perused the materials placed on record.

6. On a perusal of the records, it is seen that the petitioner submitted an application seeking compassionate appointment for herself on 19.08.2010 and the same is pending consideration. Thereafter, the petitioner made a request seeking compassionate appointment for her son. The said request was rejected by the respondents on twice and the petitioner has not challenged the said rejection orders. There is no provision for providing alternative employment for compassionate appointment. In the absence of any such provision, the request of the petitioner seeking compassionate appointment to her son cannot be considered.



But the same will not preclude the respondents to proceed with the petitioner's application dated 19.08.2010, which is pending consideration for several years. Therefore, the respondents have to take serious note of that and take appropriate decision for considering the petitioner's application dated 19.08.2010, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

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