



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2021

CORAM

THE HON'BLE MR.JUSTICE T. S. SIVAGNANAM

and

THE HON'BLE MRS.JUSTICE S.ANANTHI

W.A. (MD) No.783 of 2021

WEB COPY

Gopi Selva Sankar

...Appellant

-Vs-

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk, Chennai - 600 010.

2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Tirunelveli.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of Letter Patent against the order dated 23.02.2018 made in W.P.(MD)No.18309 of 2013.

Prayer in WP(MD). 18309/ 2013:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To pass an order or Direction or writ more particularly in the nature of Writ of Certiorarified Mandamus by calling for the entire records pertaining to the order passed by the 2nd Respondent vide his Proceedings in Na.ka.No.E3/965/2012 dated 10.01.2013 and 18.04.2013 and quash the same and consequently direct the Respondents to Provide the petitioner an appoint in that department on compassionate ground.

For Appellant : Mr.Aayiram Selvakumar

For Respondents : Mr.H.Arumugam

JUDGMENT

[Judgment of the Court was made by T. S. SIVAGNANAM, J.,]

Heard Mr.Aayiram Selvakumar, learned counsel appearing for the appellant and Mr.H.Arumugam, learned counsel appearing for the respondents.

2. This Writ Appeal by the writ petitioner is directed against the order in W.P. (MD)No.18309 of 2013 dated 23.02.2018.

<https://hcservices.ecourts.gov.in/hcservices/>



3. The said Writ Petition was filed by the appellant challenging the correctness of the order dated 10.01.2013 and 18.04.2013, passed by the second respondent and for a consequential direction to provide appointment to the appellant on compassionate ground.

3. The appellant's father was working as Office Assistant in the office of the second respondent and died in harness on 19.04.2008. On 20.01.2012, the appellant's mother preferred an application requesting for grant of appointment on compassionate ground for the appellant. The second respondent, by communication dated 27.01.2012, called for certain details and directed the appellant to submit the application in the proper format. Subsequently, by communication dated 26.09.2012, the original certificates of the appellant were called for and verified for its correctness. However, by order dated 10.01.2013, the second respondent rejected the petitioner's application on the ground that it has been filed after three years after the demise of the appellant's father. As noted above, the appellant's father passed away on 19.04.2008 and the application filed by the petitioner is dated 20.01.2012. According to the second respondent, the application should have reached the office of the second respondent not later than 18.04.2011. Admittedly, at the relevant point of time, the respondent Civil Supplies Corporation did not have a scheme for grant of appointment on compassionate ground, but for following the Government guidelines. As of now, the respondents Corporation has adopted the guidelines prescribed by the Government in G.O.Ms.No.18, Labour and Employment Department, dated 23.01.2020. The learned Single Judge had proceeded to take note of the legal position as to how the applications for compassionate ground appointment have to be considered. There can be no second opinion on the said aspect as the law is well settled to the effect that appointment of compassionate appointment is not a source of employment and it is given to tide over the difficult circumstances to which the family of the deceased employee would be pushed upon the untimely deceased of the breadwinner. In our view, a slightly lenient approach is required to adopt in the case on hand, as the delay is less than a year. To be precise, about nine months. Therefore, the second respondent can consider the request made by the appellant for grant of appointment on compassionate ground. However, we make it clear that the order shall not be treated as precedent, but have been passed taking note of the peculiar facts and circumstances of the case.

4. In the result, this Writ Appeal is allowed. The order passed in the Writ Petition is set aside. Consequently, the Writ Petition is allowed and the orders dated 10.01.2013 and 18.04.2013 passed by the second respondent are set aside and the second respondent is directed to provide appointment to the petitioner on



compassionate ground. This direction can be complied with within a period of three months from the date of receipt of a copy of this order. No costs.

WEB COPY

// True Copy //

Sd/-

Assistant Registrar (CS II)

/ /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

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk, Chennai - 600 010.
2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Tirunelveli.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-21922[F] dated 09/07/2021)

W.A. (MD) No.783 of 2021
08.07.2021

RC (16.07.2021) 3P-4C