



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A.[MD]No.824 of 2021

WEB COPY

R.Selva Sophia

... Appellant / Writ Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Water Supply & Drainage Board,
No.31, Kamarajar Salai,
Chepauk, Chennai - 600 005.

2.The Executive Engineer,
Tamil Nadu Water Supply & Drainage Board,
No.20, Cave Street,
Nagercoil, Kanyakumari District. ... Respondents / Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 20.01.2021 in W.P.(MD)No.15057 of 2017 on the file of this Court.

Prayer in WP(MD). 15057/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the records relating to the impugned order of the 2nd respondent in Lr.No.406/Ko.Ka.Pa/Vu/2017 dated 24.03.2017 quash the same and consequently direct the respondents herein to consider the request of petitioner for compassionate appointment in any one of the eligible vacancies in the respondent Board.

For Appellant

: Mr.Kannan

for M/s.Veera Associates

For Respondents

: Mrs.Porkodi Karnan

JUDGMENT

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

We have heard Mr.Kannan, learned Counsel appearing for the Appellant/Writ Petitioner and Mrs.Porkodi Karnan, learned counsel appearing for the respondents.

2.This writ appeal is directed against the order dated 20.01.2021, passed in W.P(MD) No.15057 of 2017.

3.The writ appeal is filed by the appellant/ writ petitioner challenging the order refusing to grant appointment on compassionate grounds to the appellant. The fact clearly shows that the application made by the appellant was grossly belated. The



appellant's father died in harness on 31.08.2004 and the application submitted by the appellant was on 20.03.2017. Therefore, the respondent Board was right in rejecting the application.

4. The appellant seeks to Canvass a case that between 2006 and 2014, there were certain events, which took place and only after those events attained finality, the appellant had approached the respondent Board for appointment on compassionate grounds.

5. Admittedly, the appellant's brother was the person, who applied for appointment on compassionate grounds on 08.04.2006, which was well within three years. However, the appellant's father had married a second wife and there is a dispute. The appellant's brother's application has been returned stating that unless the dispute is resolved, the application cannot be considered. Atleast at that point of time, the appellant's brother should have substituted the name of the appellant instead of himself.

6. Now the appellant states that her brother got married and is living separately, not taking care of her mother. In the year 2010 itself, the appellant has got married. All these events which the appellant now pleads, can never be an explanation for the delay nor can it be a factor to stop the clock of limitation.

7. Therefore, the learned Single Bench was right in dismissing the writ petition and we find that absolutely there is no ground to interfere with the order of the Writ Court.

8. Accordingly, the writ appeal fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

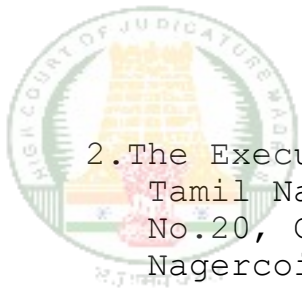
RM

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 Water Supply & Drainage Board,
No.31, Kamarajar Salai,
Chepauk, Chennai - 600 005.

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



2.The Executive Engineer,
Tamil Nadu Water Supply & Drainage Board,
No.20, Cave Street,
Nagercoil,Kanyakumari District.

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-22463[F] dated
14/07/2021)

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RD(23.07.2021) 3P 4C