



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.8121 of 2021

Periyaraj

... Petitioner

vs.

1.The Chief Secretary,
Social Welfare Department,
3rd Floor, Namakkal Kavingar Maligai,
Secretariat,
Chennai - 600 009.

2.The Director,
Social Welfare and Nutritious Meals Department,
Social Welfare Department,
2nd Floor, Panagal Maligai,
Saidapet,
Chennai - 600 015.

3.The Commissioner,
Social Welfare Department,
Chintadripet,
Chennai - 600 002.

4.The District Collector,
Thoothukudi District,
Thoothukudi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 06.10.2020 and to grant appointment order to the petitioner on compassionate ground.

For Petitioner : Mr.A.W.D.Tilak

For Respondents : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader



ORDER

This Writ Petition is filed seeking for a Writ of Mandamus, directing the respondents to consider the representation of the petitioner, dated 06.10.2020, seeking appointment on compassionate ground.

2.Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader accepts notice on behalf of the respondents.

3.According to the petitioner, his father Muthurajan was employed in Integrated Child Development Service Scheme at Ottapidaram, Thoothukudi District and he died on 14.02.1991, during his service. Hence, the petitioner's mother submitted an application for appointment on compassionate ground. Thereafter, the petitioner sent a representation on 03.08.2012 to the respondents, seeking appointment on compassionate ground to him and lastly, the petitioner has sent a representation, dated 06.10.2020. Since no action has been taken on the side of the respondents, the petitioner has come out with the present Writ Petition.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

5.From the materials available on record, it is seen that, according to the petitioner, his father died on 14.02.1991, during his service. His mother gave a representation to the respondents seeking appointment on compassionate ground for the death of her husband, but there is no proof that the petitioner's mother gave the representation immediately on the date of death of her husband and the petitioner's mother did not take any steps for appointment on compassionate ground. According to the petitioner, he sent a representation, dated 03.08.2012, seeking appointment for him on compassionate ground. Thereafter, the petitioner has not followed it up and has not taken any steps for favourable order. Only on 06.10.2020, the petitioner gave a representation to the respondents and has come forward with the present Writ Petition seeking appointment on compassionate ground.

6.The principle underlying compassionate appointment is that family must get financial support when the breadwinner of the family dies suddenly. To help the family from their indigent circumstances, compassionate appointment is granted. The compassionate appointment is not a way of recruitment. In the present case, the petitioner's mother failed to seek appointment immediately after the death of her husband ie., from the year 1991. There is no proof for serving the representation, dated 03.08.2012, mentioned in the affidavit, on the respondents. The petitioner and his mother have not taken any steps from the date of death of the deceased. Hence, the claim of the petitioner for a lapse of several years cannot be considered and



the reason given by the petitioner for not approaching the Court in time, is not acceptable. Accordingly, the Writ Petition is dismissed. No costs.

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Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Chief Secretary,
Social Welfare Department,
3rd Floor, Namakkal Kavingar Maligai,
Secretariat, Chennai - 600 009.
- 2.The Director,
Social Welfare and Nutritious Meals Department,
Social Welfare Department,
2nd Floor, Panagal Maligai,
Saidapet, Chennai - 600 015.
- 3.The Commissioner,
Social Welfare Department,
Chintadripet, Chennai - 600 002.
- 4.The District Collector,
Thoothukudi District, Thoothukudi.

+1 CC to M/s.SPL GP (SR-16947[F]dated 21/04/2021)

**W.P (MD) No. 8121 of 2021
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