



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE
AND

The Hon'ble Mr.JUSTICE M.M.SUNDRESH

W.A. (MD) No.152 of 2019

M.Sukumar

.. Appellant

Vs

1.The Director of Health Services,
Office of the Director of Health Services,
Chennai.

2.The Deputy Director of Health Services,
Office of the Deputy Director of Health Services,
Sivagangai,
Sivagangai District.

.. Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent as against the order dated 28.11.2018 made in W.P. (MD) No.23565 of 2018.

Prayer in WP (MD). 23565/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorarified Mandamus to call for the entire records pertaining to the impugned order of the respondent in Na.Ka.10857/A6/2014 dated 10.07.2018 and quash the same as illegal and consequently direct the respondents to provide compassionate appointment to the petitioner and to pass any such further or other orders

For Appellant

: Mr.C.M.Arumugam

For Respondents

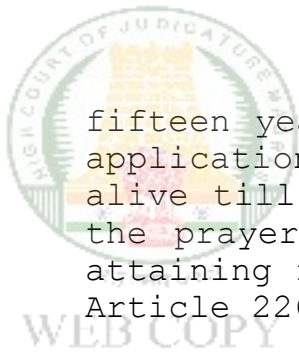
: Mr.N.Shanmugaselvan
Addl. Government Pleader

JUDGMENT

[Judgment of the Court was delivered by
THE HON'BLE CHIEF JUSTICE]

There does not appear to be any cause to interfere with the judgment and order impugned dated November 28, 2018, passed on a case pertaining to compassionate appointment.

2. According to the writ petitioner - appellant, his mother died on November 22, 2011 and at that time, the petitioner was only



fifteen years old. Apparently, the writ petitioner's father made an application on behalf of the writ petitioner to keep his chance alive till he attained majority. It was the subsequent rejection of the prayer for compassionate appointment, upon the writ petitioner attaining majority, that was challenged by way of a petition under Article 226 of the Constitution of India.

3. Adequate reasons have been indicated in the impugned judgment. For one, the writ petitioner may not have been eligible to obtain the benefit of compassionate appointment, since the writ petitioner's father, who might have been employed, was there to provide for the family. Further, the writ petitioner's elder brother, who was a major at the time of the mother's death, was also available. In such circumstances, to reserve the post for the writ petitioner to attain majority and in future, claim the same would be impermissible.

4. It is elementary that compassionate appointment is a rather weak right and an exception to the general rule. The primary basis for such exception is that upon the untimely death of the breadwinner of the family, the family is provided succour by giving appointment to any other eligible member thereof. Once it is seen that there were other members of the family who were already earning and the family was not thrown out of gear, so as to say, upon the death of the concerned employee, the principle of granting compassionate appointment would not apply.

5. For the reasons aforesaid, there is no merit in the appeal. Accordingly, W.A. (MD) No.152 of 2019 is disposed of. There will be no order as to costs.

Sd/-

Assistant Registrar (RTI Act)

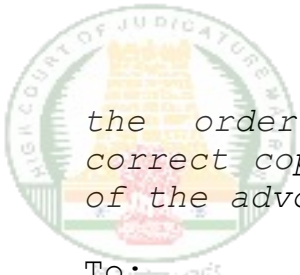
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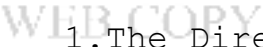
Sub Assistant Registrar (CS)

smn2/gk

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 Director of Health Services,
Office of the Director of Health Services,
Chennai.
- 2.The Deputy Director of Health Services,
Office of the Deputy Director of Health Services,
Sivagangai,
Sivagangai District.

+1 CC to M/s.SGP (SR-1492[F] dated 20/01/2021)

W.A. (MD) No.152 of 2019

18.01.2021

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