



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

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

W.A.(MD) No.1200 of 2021

M.Kannan

.. Appellant/Writ Petitioner

Vs

The Oriental Insurance Company Limited,
Rep by its Chief Regional Manager,
Third Floor, Cheran Towers, 78,
Government Arts College Road,
Coimbatore 641 018.

.. Respondent/Respondent

PRAYER: Appeal under Clause 15 of the Letters Patent, against the order dated 15.02.2021, passed in W.P.(MD) No.1176 of 2017.

Prayer in WP(MD). 1176/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Declaration to declare the scheme for compassionate appointment in public sector General Insurance Companies in so far its prospective application from 1st November 2014 and the consequential impugned order dated 29.07.2016 on the file of the respondent as illegal and consequently for a direction, directing the respondent to provide compassionate appointment to the petitioner in any suitable post within the time period stipulated by this Honble Court.

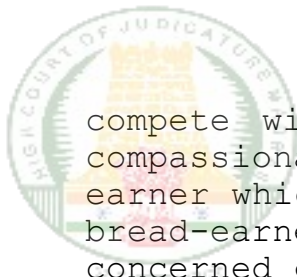
For Appellant : Mr.T.Lajapathi Roy

JUDGMENT

[Judgment of the Court was delivered by
The Hon'ble Chief Justice]

This appeal is a complete waste of time, as the appellant did not fall within the ambit of the relevant scheme for compassionate appointment and the writ petition has been quite appropriately disposed of by the order impugned dated February 15, 2021, without permitting any compassionate appointment.

2.It is elementary that compassionate appointment is a rather weak right. Compassionate appointment is an exception to the general rule which requires the candidate vying for a Government job to



compete with others for the same. The purpose of providing for compassionate appointment is to ensure that the family of a bread-earner which is thrown into financial disarray upon the death of the bread-earner is provided a life-line upon the untimely death of the concerned employee. It has now been judicially recognised that for a compassionate appointment to be given, such appointment must be within reasonable time of the death of the erstwhile employee. Courts have taken a serious view of the matter since if it is possible for the family to live for a considerable period of time without the compassionate appointment, it would imply that the compassionate appointment was unnecessary.

3.However, there are several Government bodies and public sector undertakings which provide a scheme for compassionate appointment. Under such scheme, there are certain entrenched rights that follow.

4.In the relevant scheme that the appellant has relied on, Clause 8 indicates the time limit for considering applications. The relevant clause indicates that the scheme would come into force prospectively from November 1, 2014. It also stipulates that applications for employment under the scheme from eligible dependents should normally be considered up to five years from the date of death or retirement on medical grounds taking place on or after November 1, 2014.

5.In the present case, the appellant's father died in the year 2004. Clearly, the appellant was not covered by the terms of the scheme to be eligible to even be considered for compassionate appointment.

6.Accordingly, there is no merit in the appeal and the order impugned calls for no interference. W.A.[MD]No.1200 of 2021 is dismissed. However, there will be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

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.



+1 CC to M/s.T.LAJAPATHIROY, Advocate (SR-20121[F] dated 24/06/2021)

W.A.(MD) No.1200 of 2021
24.06.2021

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