



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN
W.A(MD)NO.1719 OF 2021

I.Jebamalai Lurthu Princy :Appellant/Petitioner

.vs.

1.The Director,
Industrial Safety and Health,
No.35, Thi.Vi.Ka High Road,
Rayapettai,
Chennai - 600 014.

2.The Chief Inspector of Factories,
Chennai - 600 006.

3.The Inspector of Factories,
Thoothukudi.

: Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.22938 of 2015, dated 04.12.2020.

For Appellant	:Mr.D.Vijay Antony
For Respondents	:Mr.M.Siddharthan
1 to 3	Addl.Govt.Pleader

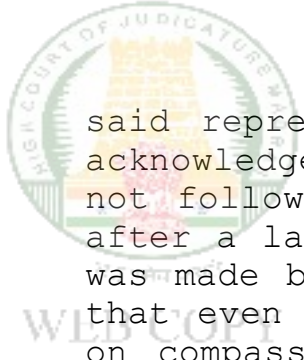
JUDGMENT

[Judgment of the Court was made by **PUSHPA SATHYANARAYANA,J.**]

This Writ Appeal is directed against the order made in W.P (MD)No.22938 of 2015, dated 04.12.2020, which was filed for issuance of a Writ of Certiorarified Mandamus to quash the impugned order therein, dated 18.07.2013, rejecting the application made by the Writ Petitioner seeking compassionate appointment for the death of her father.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The father of the Writ Petitioner one Iruthayaraj was working as a Record Clerk with the Inspector of Factories, Thoothukudi and died on 27.03.2007. It is stated that immediately thereafter, on 25.04.2007 a representation was sent by the appellant's mother to the Chief Minister's Cell. However, the



said representation does not contain any date and there is no acknowledgement for receipt of the same. The said application was not followed by the Writ Petitioner or her mother. Subsequently, after a lapse of six years, in the year 2013, another application was made by the appellant's mother on the basis of the news item that even the married daughter is also entitled for appointment on compassionate grounds. The said application was rejected by the authorities concerned on the ground that the cut-off date is 29.01.2001 and that the Petitioner had got married in the year 1999 and therefore, she will not be entitled for compassionate appointment. The said order was challenged before the Writ Court, which was dismissed by the learned Single Judge, which is now under challenge in the present Writ Appeal.

4. Upon the facts given above, application for compassionate appointment ought to have been made within three years as per G.O.Ms.No.18, Labour and Employment, dated 23.01.2020. The said Government Order itself was issued after the directions issued by this Court.

5. The Full Bench of this Court had also observed that ignorance of the fact that the compassionate appointment is available, cannot be a ground as various forms of communications and web-sites with all informations available through internet services even in the remotest corners of the villages. The Full Bench has also stated that even if no eligible person is available in the family, where the son or daughter is a minor, it is always open to the spouse to apply for a job that may be suitable, as the appointment on compassionate grounds is permissible only in the last category of Class-III or Class-IV Posts.

6. In this case, application is made after a period of six years and the Writ Petition was filed in the year 2015 and the Writ Petitioner also is now married and there is no information available as to the status of her husband or about his employment. As the compassionate appointment itself is only a succor given to the family to get them out of the penury at the time when the sole bread-winner of the family is no more, which cannot be demanded as a matter of right, that too, after a passage of six or seven years from the date of death of the Government Servant. After considering all these aspects, the learned Single Judge has dismissed the Writ Petition. It is also to be noted that the Division Bench of this Court in W.A(MD)No.1478 of 2017, dated 12.03.2021 has also dealt with the same in detail, wherein, one of us was a party dealing with the scheme of compassionate appointment.

<https://hcservices.ecourts.gov.in/hcservices/>
7. In the light of the above discussions, this Court finds no reason to interfere with the well-considered judgment of the learned Single Judge and thus the Writ Appeal fails.



8. Accordingly, the Writ Appeal stands dismissed. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

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Sub Assistant Registrar (CS)

vsn

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

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+1 CC to M/s.SPL GP (SR-35472[F] dated 23/11/2021)

**W.A (MD) No.1719 of 2021
22.11.2021**

MMS (CO)
SB (03.12.2021) 3P 5C