



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.13198 of 2020

Saravanakumar

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai - 625 020.

2.The Tahsildar,
Taluk Office, Melur Taluk,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court for issuance of Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order passed by the first respondent vide proceeding in O.Mu.No.29802/2019/G1 dated 07.08.2019 and quash the same as illegal and consequently direct the respondents to give employment to the petitioner under compassionate appointment scheme by considering his educational qualification.

For Petitioner : Mr.R.Karunanidhi
For Respondents : Mr.S.Shanmugavel
Standing Counsel.

ORDER

This Writ Petition has been filed seeking the relief of Writ of Certiorarified Mandamus to call for records pertaining to the impugned order passed by the first respondent vide proceeding in O.Mu.No.29802/2019/G1 dated 07.08.2019 and quash the same as illegal and consequently direct the respondents to give employment to the petitioner under compassionate grounds.

2.The petitioner's father namely Subramanian joined duty as Village Assistant at Navininpatti Village on 22.01.1990. He died on 22.12.2002 while he was in service. After the demise of the petitioner's father, the petitioner's mother made application to the respondents seeking appointment to her on compassionate grounds. No orders has been passed on the representation. Therefore, after attaining majority, the petitioner has submitted an application to the respondent seeking employment on compassionate grounds. The said application was rejected in the impugned proceedings in O.Mu.No.29802/2019/G1 dated 07.08.2019 on the ground that the petitioner has approached the Department after a lapse of eleven



years. Challenging the aforesaid impugned proceedings, the writ petitioner has filed this writ petition.

3.The learned Standing Counsel for the petitioner would submit that the petitioner's mother had made her first application on 24.04.2003 and the said application is still pending. The petitioner has made an application after he attained the age of 18 years on 08.12.2008 after attaining the age of 18 years.

4.I have carefully considered the rival submissions and perused the materials available on record.

5.It is seen that the petitioner has submitted application after attaining majority on 08.12.2008 with a delay of three years. The said application for compassionate appointment has not been made within a prescribed period of three years from the date of death of the deceased employee which cannot be admissible for grant of appointment under compassionate grounds.

6.Identical issue came up before the Honourable Division Bench of this Court in W.A.No.1749 of 2019 (***Sudhanthira Devi vs. The State of Tamil Nadu and others***) [in the said Judgment, myself (DKKJ) is one of the member] and the Division Bench, by Judgment dated 03.09.2019, following the decisions of the Honourable Supreme Court, has held that applications for compassionate appointment submitted beyond the period of three years cannot be entertained.

7.In ***Government of India and another v. P.Venkatesh [(2019) 15 SCC 613]***, the Honourable Supreme Court has held as follows:

"8.This 'dispose of the representation' mantra is increasingly permeating the judicial process in the High Courts and the Tribunals. Such orders may make for a quick or easy disposal of cases in overburdened adjudicatory institutions. But, they do no service to the cause of justice. The litigant is back again before the Court, as this case shows, having incurred attendant costs and suffered delays of the legal process. This would have been obviated by calling for a counter in the first instance, thereby resulting in finality to the dispute. By the time, the High Court issued its direction on 9-8- 2016, nearly twenty one years had elapsed since the date of the death of the employee.

9. ...

10.Bearing in mind the above principles, this Court held: (*Umesh Kumar Nagpal v. State of Haryana*, (1994) 4 SCC 138) SCC pp.141-42, para 6)

<https://hcservices.ecourts.gov.in/hcservices/>"6.For these very reasons, the



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compassionate employment cannot be granted after a lapse of a reasonable period which must be specified in the rules. The consideration for such employment is not a vested right which can be exercised at any time in future. The object being to enable the family to get over the financial crisis which it faces at the time of the death of the sole breadwinner, the compassionate employment cannot be claimed and offered whatever the lapse of time and after the crisis is over."

8.The Honourable Full Bench in Paragraph No.13 of the **Judgment dated 11.03.2020 in W.P. (MD) No.7016 of 2011** has held as follows:

"13.In the light of the above we find that the judgment in the case of A.Kamatchi v. The Chairman, Tamil Nadu Electricity Board, (2013) 2 CWC 758 is not only contrary to the law laid down in the case of E.Ramasamy v. The Chairman, Tamil Nadu Electricity Board, (2006) 4 MLJ 1080, but it also has, as indicated by our brother, Justice Subramonium Prasad, in his judgment, misconstrued the same. In view of what has been indicated above we are also of the view that the period of three years is a rationale and reasonable period under the relevant Government Orders and the rules. We may, however, observe that it is open to the State Government to make any provision for relaxation of the period in exceptionally rare cases on the principles as indicated herein above."

9.By following the above judgments, this Court finds no illegality or irregularity in the order passed by the respondent in O.Mu.No.29802/2019/G1 dated 07.08.2019, rejecting the claim of the petitioner.

10.In fine, the writ petition fails and it is dismissed. No costs.

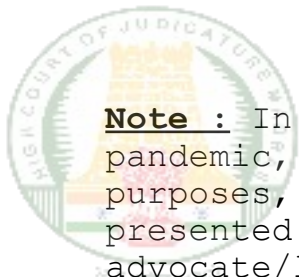
Sd/-

Assistant Registrar (CRL)

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/ /2021

Sub Assistant Registrar(CS)



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To

1.The District Collector,
Madurai District,
Madurai - 625 020.

2.The Tahsildar,
Taluk Office,
Melur Taluk,
Madurai District.

+1 CC to M/s.The Special Government Pleader (SR-27213[F] dated 25/08/2021)

W.P (MD) No.13198 of 2020

24.08.2021

RS (03.09.2021) 4P 4C