



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 14.06.2021

CORAM:

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

**W.P.(MD)No.8053 of 2019**

**and**

**W.M.P(MD)No.6366 of 2019**

M.Ravichandran

... Petitioner

Vs.

1.The Director of Medicine & Rural Welfare  
Office of the Director of Medicine & Rural  
Welfare, Chennai-600 006.

2.The Additional Director of Medical & Rural  
Health Services,  
Chennai-600 006.

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the second respondent in L.Dis No.44471/E2/Seniority/17, dated 10.08.2017 quash the same and consequently direct the respondents herein to fix the seniority of petitioner from the date of his application dated 07.02.1986 for consideration of petitioner for next promotional post of Administrative Officer for the inordinate delay of 3 years caused in considering the clarification of initial of the petitioner, within the time to be stipulated by this Court.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.P.Subbaraj  
Government Advocate

**ORDER**

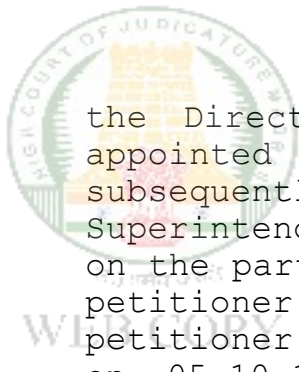
This writ petition is filed to quash the order of the second respondent in L.Dis No.44471/E2/Seniority/17, dated 10.08.2017, and consequently, direct the respondents herein to fix the seniority of petitioner from the date of his application, dated 07.02.1986.

2. According to the petitioner, his father Maya Thevar died on 15.01.1986 while in service. The petitioner gave a representation on 07.02.1986 for appointment on compassionate ground. The said application was returned by the respondents, as there were some



discrepancies in the initial of the petitioner in the SSLC Transfer Certificate and mark statement as "M.Ravichandran" and "P.M.Ravichandran". The petitioner got the discrepancies corrected and resubmitted the application. The representation of the petitioner was kept in abeyance for three years and finally his application was considered and petitioner was posted on 14.06.2017 and thereafter promoted as Junior Administrative Officer at General Hospital, Mannarkudi, Thiruvavarur District and now, the petitioner is working in Theni Medical College Hospital, Theni. According to the petitioner, due to the delay on the part of the respondents in considering his application, the persons, who are juniors to the petitioner, applied long after the petitioner, are working as superiors to the petitioner in the promotional post. For the typographical error crept in the educational qualification certificates by the Education Department, the petitioner was victimized unnecessarily. In such circumstances, the petitioner gave a representation on 05.06.2017 to include his name in the appropriate place of seniority list as on 07.02.1986, i.e., the date of submission of the application for appointment on compassionate ground or as on 20.06.1986, i.e., the date of submission of all the documents. The said representation was rejected, by the impugned proceedings of the second respondent in L.Dis.No.44471/E2/Seniority/17, dated 07.02.1986. Challenging the said order of rejection, the petitioner has come out with the present writ petition. The learned counsel appearing for the petitioner submitted that impugned order is a non-speaking order and prayed for setting aside the impugned order and allowing the writ petition.

3. The respondents filed counter affidavit. Mr.P.Subbaraj, learned Government Advocate appearing for the respondents reiterated the averments in the counter affidavit and submitted that when the representation of the petitioner for appointment on compassionate ground was verified, there was some discrepancies in the initial of the petitioner. The petitioner's original certificates were returned to him for rectification of the discrepancies with an instruction to resubmit the same duly rectifying the discrepancies as pointed out in the first respondent's office Memo No.31592/E2/3/1986, dated 10.10.1986. Thereafter, the Director of School Education, Chennai, was also requested vide the first respondent Office letter in Memo No.31592/E2/3/1986, dated 15.12.1987, to verify the records and furnish the correct initial of the petitioner and to make necessary corrections in the SSLC Certificates of the petitioner pertaining to his initial. In addition to that, the petitioner was instructed to submit necessary proposal in duplicate along with enclosures to the Headmaster, Nadar Saraswathi Higher Secondary School, Theni, Theni District, for correction of his initial in the records by the Director of School Education, Chennai, in the first respondent office Memo No.31592/E2/3/1986, dated 03.02.1988. The petitioner resubmitted the



the Director of School Education, Chennai. The petitioner was appointed on 05.10.1988 on temporary basis as Junior Assistant and subsequently, the petitioner was promoted as Assistant, Superintendent and Junior Administrative Officer. There is no delay on the part of the respondents in considering the application of the petitioner for appointing him on compassionate ground. The petitioner after 29 years of service from the date of joining i.e., on 05.10.1988 made a representation on 05.06.2017 to fix his seniority from the date of his application for appointment on compassionate ground, dated 07.02.1986. The respondents after considering the same, rejected the said request. The petitioner cannot claim the compassionate appointment as a matter of right and it is not a method of recruitment. Compassionate appointment is given only to help the family members of deceased employee, who are in indigent circumstances, due to the sudden death of the breadwinner of his family and submitted that there is no delay in considering the application as claimed by the petitioner that he was posted only on 14.06.2017 and prayed for dismissal of the writ petition.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. From the above rival submissions and materials on record, it is seen that the petitioner made representation for compassionate appointment on 07.02.1986 for the death of his father, who died on 15.01.1986 while in service. The educational certificates produced by the petitioner were returned, as there were some discrepancies in the initial of the petitioner. The petitioner after getting the same rectified, submitted the documents on 01.08.1988. After receiving the certificates, the petitioner was given appointment on 05.10.1988. In the affidavit filed by the petitioner in support of the present writ petition, the petitioner has not given the details of re-submission of certificates and date of appointment. He has stated in the affidavit that he was posted on 14.06.2017. On the contrary, in the counter affidavit, the respondents have stated that the petitioner has resubmitted the application on 01.08.1988 after rectifying the discrepancies in the initial and the petitioner was given appointment on compassionate ground by the proceedings of the first respondent in No.31592/E2/3/1986, dated 05.10.1988. The petitioner has not filed any reply denying the above date mentioned in the counter affidavit. These dates clearly show that there is no delay on the part of the respondents. It is pertinent to note that the first respondent in addition to informing the petitioner to rectify the discrepancies, has also requested the Director of School Education to verify the records. Further, the petitioner has given representation on 05.06.2017 to re-fix the seniority with effect from 07.02.1986 when he made the representation for appointment on compassionate ground. As rightly pointed out by the learned Government Advocate that compassionate appointment cannot be claimed as a matter of right and it is not a method of recruitment. Compassionate appointment is given only to help the family members of deceased employee, who are in indigent circumstances, due to the



sudden death of the breadwinner. Various factors are to be considered before granting an appointment on compassionate ground. In the present case, the request of the petitioner was considered immediately, after the petitioner resubmitted the application on 01.08.1988. He has joined duty on 05.10.1988 and also accepting three promotions, it is not open to the petitioner to seek fixation of seniority with effect from 07.02.1986 after 29 years of the joining. The petitioner has given representation after 29 years claiming seniority and therefore, the writ petition filed by the petitioner after 29 years is liable to be dismissed.

6. Accordingly, the writ petition is dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

am

**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 Medicine & Rural Welfare  
Office of the Director of Medicine & Rural  
Welfare, Chennai-600 006.

2.The Additional Director of Medical & Rural  
Health Services,  
Chennai-600 006.

+1 CC to M/s.K.APPADURAI, Advocate ( SR-19316[F] dated 15/06/2021 )

+1 CC to M/s.SPL GP ( SR-19340[F] dated 15/06/2021 )

**W.P. (MD)No.8053 of 2019**

**14.06.2021**