



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

W.A(MD)No.1550 of 2021

1.K.Chellammal

2.Karna Kumar

... Appellants/ Petitioner

Vs.

1.The Superintendent of Police,
O/o District Police Office,
Theni District, Theni.

2.The Inspector of Police,
Gudalur, Theni District.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 09.07.2021 made in W.P(MD)No.8688 of 2021 on the file of this Court.

Prayer in WP(MD). 8688/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other writ or direction in the nature of writ, calling for the records, relating with the order of the 1st respondent made in Na.Ka.No.A4/173/3294/2014, dated 08.09.2020 and quash the same as it is arbitrary and illegal and in consequence to direct the 1st respondent to give the compassionate appointment to the 2nd petitioner.

For Appellant : Mr.R.Suriya Narayanan

For Respondents : Mr.P.Thilakkumar

Standing Counsel for Government

JUDGMENT

(Judgment of the Court was delivered by **N.KIRUBAKARAN, J.**)

The writ appeal has been filed against the order of dismissal made W.P.(MD)No.8688 of 2021, dated 09.07.2021, filed by the appellants, challenging the order of rejection dated 08.09.2020, by which, the appellants' request for compassionate appointment for the second appellant, was rejected by the authority.

2. The first appellant's husband viz., K.Gandhi as Special Sub Inspector of Police had died in the accident on 12.11.2009.



Therefore, the first appellant made an application on 18.11.2010 for compassionate appointment to the second appellant, who is her younger son. Subsequently, another representation was given on 02.12.2013. The second appellant also made an application on 15.07.2014 along with necessary documents. However, the first respondent, by virtue of an order dated 08.09.2020, rejected the appellants' claim for compassionate appointment, on the ground that the first appellant's elder son is already employed as a Constable in the Government service. The said order has been challenged before the learned Single Judge.

3. The learned Single Judge, after taking into consideration the submissions made by either side, confirmed the order passed by the first respondent. Against which only, the present Writ Appeal has been filed by the appellants.

4. Heard Mr.R.Suriya Narayanan, learned Counsel appearing for the appellants, who would submit that though the first appellant's elder son is a Government employee, he failed to take care of the family members, after the death of the first appellant's husband. Moreover, the impugned order does not give any reasons for rejecting the application for compassionate appointment.

5. Heard Mr.P.Thilakkumar, learned Standing Counsel for the Government, who takes notice for the respondents and perused the materials placed on record.

6. It is not in dispute that the first appellant's elder son is already employed in Government service and there is no proof that the said son is not looking after the family members, after the death of the first appellant's husband. Compassionate appointment is in deviation of the regular appointment and the objective of the Compassionate appointment Scheme is to grant appointment on compassionate grounds to an eligible dependent family member of a Government servant dying in harness, thereby leaving his family in penury and without any means of livelihood. It cannot be a regular source of employment. The order passed by the first respondent, as confirmed by the learned Single Judge does not suffer from any illegality or irregularity. Therefore, the Writ Appeal fails and the same is dismissed. No costs.

Sd/-

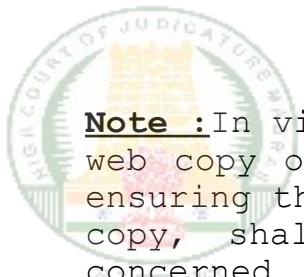
Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL



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.

WEB COPY

To

1.The Superintendent of Police,
O/o District Police Office,
Theni District, Theni.

2.The Inspector of Police,
Gudalur,
Theni District.

+1 CC to M/s.GP (SR-25784[F] dated 10/08/2021)

W.A(MD)No.1550 of 2021
09.08.2021

RD(17.08.2021) 3P 4C