



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) .No.8955 of 2018

WEB COPY

K. Subramani

... Petitioner

Vs.

1. The District Collector,
Karur District,
Karur.

2. The Superintendent of Police,
Karur District,
Karur.

... Respondents

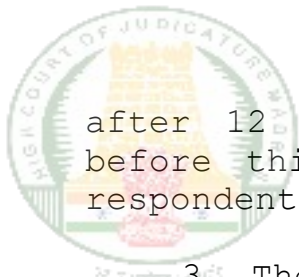
PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus calling for the records relating to proceedings of the respondent made in Na.Ka.A2/6256/2015 dated 03.04.2018 and quash the same and consequently appoint the petitioner in a suitable job under compassionate appointment.

For Petitioner	:	Mr. N. Mohideen Basha
For Respondents	:	Mr. A.K. Manikkam
		Standing Counsel

ORDER

The prayer in this writ petition is for issuance of a writ of certiorarified mandamus to quash the order dated 03.04.2018, passed by the respondents and to direct the respondents to appoint the petitioner in a suitable job under compassionate appointment.

2. According to the writ petitioner, his brother K.Hariharan was working as Constable in the second respondent's office and due to a road accident, he died on 25.08.2005, while he was in service. The petitioner's brother was unmarried and was taking care of his parents. The writ petitioner has studied upto 10th standard, after the death of his brother, he has submitted an application for compassionate appointment in the year 2006 and his name was kept in the waiting list as per seniority considered for appointment. The petitioner's wife was appointed as BT Assistant in the year 2014 and it was stated in the affidavit that he was separated from his wife and his wife is living at her parental home. The respondents had rejected the claim of the petitioner under the erroneous ground and the said rejection order passed



after 12 years. Hence the petitioner filed the Writ Petition before this Court challenging the impugned order passed by the respondents.

3. The writ petitioner has raised a ground that there is no income for his survival. Hence, he was dependant on the deceased brother. A married women is eligible to get compassionate appointment, the same applies to the petitioner. On these grounds the writ petition has been filed before this Court.

4. Mr. A.K. Manikkam, learned Standing Counsel appearing for the respondents would submit that the petitioner has not produced any valid document to prove that he and his wife are separated and both of them are living separately and no evidence has been produced by him showing proof that he was depending on his brother's income for survival. The respondents on considering the available material produced before them, passed the impugned order. The petitioner is also possessed with immovable property. Therefore, the order passed by the second respondent is correct.

5. This court on considering the submissions of both the parties and on perusing the material on record, is of the view that in the affidavit filed by the petitioner, he has not stated that he and his parents are dependant on the income of the deceased brother. Even though in the affidavit, it has been specifically stated that the petitioner was separated from his wife but there is no substantial material placed by him showing proof that he got separated from his wife. The petitioner is also possessed with immovable property.

6. In view of the aforesaid aspects, there is no grounds to interfere with the orders passed by the second respondent. Therefore, there is no merits in the writ petition and the same is liable to be dismissed. No order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mnr

1. The District Collector,
Karur District,
Karur.



2. The Superintendent of Police,
Karur District,
Karur.

+1 CC to M/s.SPL GP (SR-25375[F] dated 05/08/2021)

WEB COPY

W.P. (MD) .No.8955 of 2018
03.08.2021

SRR(CO)
SB(14.09.2021) 3P 4C