



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.(MD)No.16235 of 2018

P.Monisha Ankaiyarkanni

... Petitioner

Vs.

1.The Registrar General,
High Court of Madras,
High Court Buildings,
Chennai - 600 104.

2.The Principal District Judge,
Office of the District Judge,
Combined Court Buildings,
Madurai - 625 020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the records pertaining to the proceedings in A.No.66 of 2018 dated 13.06.2018 passed by the second respondent and quash the same and consequently directing the respondents to appoint the petitioner on compassionate grounds in any suitable post, to which she is eligible and found suitable to the qualification of the petitioner.

For Petitioner : Mr.G.Aravinthan

For Respondents : Mr.Pala.Ramasamy

ORDER

(Order of the Court was made by **M.M.SUNDRESH, J.**)

The petitioner seeks to challenge the order dated 13.06.2018, by which, the application seeking appointment on compassionate grounds after nineteen years of death of the Government Servant, who died on 20.02.1998, was rejected.

2. The learned Counsel appearing for the petitioner submitted

<https://hcservices.ecourts.gov.in/hcservices/>



that the petitioner was only seven days old at the time of death of her deceased mother. Reliance has been made on the decision of the Hon'ble Apex Court in **Mukesh Kumar v. Union of India and Others**, reported in **(2007) AIR (SC) 3077**.

3. The learned Counsel appearing for the respondents submitted that there was, admittedly, delay in submitting the application and the relevant rules and guidelines, including the Government Letter in No.86/Q1/2010, Labour & Employment Department, dated 04.05.2010, do not provide for considering the same.

4. The petitioner's mother was working as a Sweeper and the present application for compassionate appointment has been made by the petitioner, pursuant to the death of her mother on 20.02.1998. The application has been made on 04.02.2017, after a period of nineteen years. Therefore, the petitioner's request was rightly rejected in the impugned order.

5. A compassionate appointment is a side door entry. Such appointment can only be considered based upon the relevant rules and regulations. Admittedly, in the case on hand, the rules do not provide for entertaining the application filed. The fact that the petitioner was able to complete her education and survive for nineteen years itself would show that there is no need for considering the compassionate appointment as of now.

6. The decision relied upon by the learned Counsel appearing for the petitioner in **Mukesh Kumar's** case (supra) does not apply to the case on hand. Each case has to be seen on the facts of the case, which includes the consideration of the relevant rules. The Hon'ble Apex Court, in the said decision, found that there was a factual error committed by the Tribunal and the High Court, which is not the case before us. Thus, looking from any perspective, we do not find any reason to interfere with the impugned order.

7. In fine, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

GK



To

1.The Registrar General,
High Court of Madras,
High Court Buildings,
Chennai - 600 104.

2.The Principal District Judge,
Office of the District Judge,
Combined Court Buildings,
Madurai - 625 020.

+1 CC to Mr.G.ARAVINTHAN, Advocate (SR-8564[F] dated 03/03/2021)

**Order made in
W.P. (MD) No.16235 of 2018
03.03.2021**

ARK(CO)
SRS (11/03/2021) 3P : 4C