



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 12.02.2021  
CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

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**W.P. (MD)No.10433 of 2016**  
**and**  
**W.M.P. (MD)No.8139 of 2016**

L.Yogeshwari

... Petitioner

versus

1. The Director,  
O/o. Directorate of Animal Husbandry  
and Veterinary Services,  
Central Office Buildings,  
Block II,  
DMS Complex,  
Chennai - 600 006.
2. The Deputy Director,  
O/o. Directorate of Animal Husbandry  
and Veterinary Services,  
Central Office Buildings,  
Block II,  
DMS Complex,  
Chennai - 600 006.
3. The Regional Joint Director of  
Animal Husbandry,  
Veterinary Hospital Complex,  
Ground Floor,  
Tallakulam,  
Madurai - 625 020.
4. The Assistant Director of Animal Husbandry,  
Veterinary Hospital Complex,  
Ground Floor,  
Tallakulam,  
Madurai - 625 020.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2<sup>nd</sup> respondent dated 27.11.2015 made in Na.Ka.No.14022/R3/2011 and quash the same and consequently, direct the respondents to provide suitable employment to the petitioner on compassionate ground in accordance with law, within the time to be stipulated by this Court.



For Petitioner : Mr.C.Prithiviraj  
for Mr.T.K.Gopalan  
For Respondents : Mr.D.Muruganantham,  
Additional Government Pleader

**ORDER**

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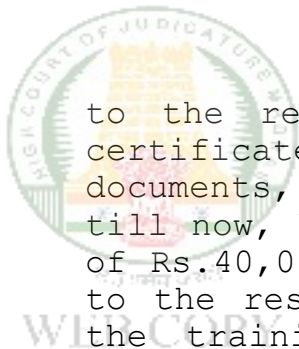
This writ petition is filed for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2<sup>nd</sup> respondent dated 27.11.2015 made in Na.Ka.No.14022/R3/2011 and quash the same and consequently, direct the respondents to provide suitable employment to the petitioner on compassionate ground in accordance with law, within the time to be stipulated by this Court.

2. The case of the petitioner is that his father, namely, Loganathan, while he was working as Live Stock Inspector Grade-I, died in harness on 25.03.2008, leaving behind the petitioner, her mother, elder sister and younger brother. Immediately thereafter, the petitioner's younger brother submitted an application for compassionate appointment to the respondents on 24.01.2011. The first respondent sent a communication to her brother seeking his willingness to attend the training. Due to his ill-health and family circumstances, he expressed his inability to attend the training and the same was also intimated to the Authorities on 02.04.2012. Thereafter, the petitioner submitted a representation to the 3<sup>rd</sup> and 4<sup>th</sup> respondents on 12.11.2013 seeking compassionate appointment by enclosing No Objection Certificate from her brother and other legal heirs. The same was forwarded by the 4<sup>th</sup> respondent to the first respondent vide order dated 17.12.2013. However, the respondents rejected her request, vide order dated 27.11.2015 on the ground of delay. Challenging the same, the present writ petition is filed.

3. The learned counsel appearing for the petitioner submitted that the petitioner's younger brother submitted an application for compassionate appointment to the respondents on 24.01.2011, i.e. within three years from the date of death of his father. In continuation of the same, the petitioner submitted his representation to the respondents seeking compassionate appointment. Therefore, the request for the petitioner cannot be rejected on the ground of delay. Further, the first respondent, without considering the financial hardship faced by the petitioner, mechanically rejected the application on the ground of delay.

4. The learned Additional Government Pleader appearing for the respondents submitted that the petitioner's younger brother submitted an application for compassionate appointment on 24.01.2011 with relevant documents. Thereafter, he submitted his willingness, vide his letter dated 21.11.2011 to undergo Livestock Inspector

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



to the respondents, requesting them to return all his original certificates for his further studies. After receiving the original documents, he joined duty at Wipro Software Company at Chennai and till now, he is working as a Software Engineer and earning a salary of Rs.40,000/-. Thereafter, he submitted a letter dated 02.04.2012 to the respondents, intimating his unwillingness to participate in the training. Subsequent to that, the elder sister of the petitioner submitted an application to the respondents on 12.11.2013 seeking compassionate appointment. Thereafter, vide a letter dated 01.06.2015, she requested the 4<sup>th</sup> respondent to hand over her original certificates for her further studies. Subsequently, the petitioner submitted her representation seeking compassionate appointment only on 12.11.2013, i.e. beyond the period of three years. As per G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020, an application for compassionate appointment should be made within three years from the date of death of the Government Employee. Therefore, the representation of the petitioner was rejected on the ground of laches, which does not warrant any interference.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

6. The very concept of giving a compassionate appointment is for the bereaved family to tide over the financial difficulties faced by it due to the untimely death of the breadwinner. Further, indigency is one of the relevant factors to be borne in mind while deciding on providing compassionate appointment.

7. In the present case on hand, the petitioner's younger brother submitted an application for compassionate appointment on 24.01.2011, within three years from the date of death of his father. Though the respondents sent a communication to the petitioner's younger brother to attend a training, according to the petitioner, due to his ill-health, the petitioner's brother was unable to attend the training and the same was intimated to the authorities on 02.04.2012. Thereafter, neither the petitioner nor her younger brother had not taken any steps to proceed with the said application and after the lapse of 1 ½ years, the petitioner submitted a representation seeking compassionate appointment, i.e. beyond three years from the date of death of his father. Further, as per G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020, the application for compassionate appointment should be made within three years from the date of death of the Government employee. Therefore, the respondents rightly rejected the request of the petitioner on the ground of laches. Though it is claimed by the petitioner that her family is in financial hardship, there was no document to show that her family is in financial hardship.



8. In view of the above, the Writ Petition is dismissed.  
No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ( )

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

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+1 CC to M/s.T.K.GOPALAN, Advocate ( SR-5025[F] dated 15/02/2021 )

W.P. (MD)No.10433 of 2016  
12.02.2021

SSS(CO)

KB(29.03.2021) 4P 6C