



WEB COPY

W.P.No.10283 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10283 of 2016

and

W.M.P.No.9112 of 2016

1.N.Geetha

2.N.Vignesh

... Petitioners

Vs.

1.Government of Tamil Nadu,
Rep. by Secretary to Government/
Agricultural Production Commissioner,
Agricultural Department, Secretariat,
Chennai – 600 009.

2.The Chief Engineer,
Agricultural Engineering,
Chennai – 600 035.

3.The Assistant Executive Engineering,
Agricultural Engineering Department,
Government Mechanical Engineering Tractor Workshop,
Vellore – 2.

... Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records in (1) Letter No. Pension.2/67868/2006 dated 14.12.2006 and (2) Letter No.Pension.2/32145/15 dated 14.08.2015 of the second respondent, to quash



the same and to issue consequential directions to the respondents to grant appointment on compassionate grounds to the second petitioner within a limited time frame.

For Petitioners : Mr.M.Ravi

For Respondents : Mr.C.Kathiravan,
Special Government Pleader

ORDER

The order of rejection rejecting the claim of the petitioner for compassionate appointment is under challenge in the present writ petition.

2. The husband of the first petitioner late Mr. R. Narasimhan was serving as Fitter and died on 04.04.2022, while he was in service. The first petitioner, wife of the deceased employee filed an application seeking appointment on compassionate ground on 31.03.2006. The respondents offered an appointment to the wife of the deceased employee. However, the first petitioner was not inclined to accept the offer of appointment and submitted a representation stating that the appointment is to be provided to her son, who has completed 16 years and studied XII std course during the relevant point of time. The said application was not considered and rejected by the respondents on the ground that the offer of appointment made in



favour of the wife of the employee was not accepted. Therefore, the second application submitted to provide employment to her minor son cannot be entertained. In this regard, the respondents have filed a counter stating as under:

“The petitioner's father Thiru.R.Narasimhan when he was working as Fitter in the office of the third respondent died on 04.04.2004 in harness. All the terminal benefits due to his family were settled. As per the rules mentioned above, the petitioner has to apply within a period of three years from the date of death of his father i.e. on or before 04.04.2007. The first petitioner i.e. the deceased Government Servant's wife has expressed her unwillingness for job on compassionate grounds and in turn has requested to provide employment to her son Thiru.N.Vignesh, the second petitioner who has completed the age of sixteen. The second petitioner Thiru.N.Vignesh was born on 09.06.1995 and completed 18 years of age as on 09.06.2013. Here, it is pertinent to note that as per the said Government Letter No.86/Q.1/2010, Labour and Employment (Q1) Department, dated 04.05.2010, attainment of 18 years of age is a necessary prerequisite for employment. The attainment of 18 years of age itself is only after a period of around nine years from the date of death of his father. Therefore, at the time of death of his father, the second petitioner was only 11 years old. First, the individual has to apply for appointment within three years from the death of the deceased Government Servant. In that three years, if he has not attained the age of 18 years which is a minimum requirement for employment, then employment cannot be provided. The first



petitioner in her application has requested to provide employment to her son after completing the age of sixteen. From this it is clear that he has not attained the required age for employment within three years from the date of death of the Government Servant. Also, at the time of application by the second petitioner, he has not completed 18 years of age and completed just 16 years. Therefore, he is not eligible for compassionate grounds appointment and his application was rejected by the Chief Engineer.”

3. In view of fact that the offer of appointment provided in favour of the first writ petitioner who is the wife of the deceased employee was not accepted, the benefit of compassionate appointment cannot be extended to consider the another legal heir for appointment on compassionate ground. Thus, there is no infirmity in respect of the order of rejection passed by the respondents which is in accordance with the terms and conditions of the scheme. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

28.09.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order

To



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S.M.SUBRAMANIAM, J.

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