



WEB COPY

W.P.No.21490 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21490 of 2016

P.M.Venkatesan

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. By its Secretary,
Health & Family Welfare Department,
Secretariat,
Fort Saint George,
Chennai – 600 009.

2.The Director of Family Welfare,
Directorate of Family Welfare,
Chennai – 600 006.

3.The Deputy Director,
Medical and Rural Health Services & Family Welfare,
Tiruvallur.

... Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling upon the records of the 3rd respondent in his proceedings in Na.Ka.No.426/Ku3/2015 dated 01.02.2016 and quash the same and further direct the respondents to provide employment on compassionate ground due to the death of his father P.V.Murugesan, who worked as Store Keeper under the respondent's department.



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For Petitioner : Mr.B.Jawahar

For Respondents : Mr.Stalin Abhimanyu,
Additional Government Pleader

ORDER

The order of rejection rejecting the claim of the writ petitioner for compassionate appointment on the ground that the application was filed after 17 years from the date of death of the deceased employee, is under challenge in the present writ petition.

2. The petitioner states that his father was employed in the Primary Health Center in the Department of Family Welfare and died on 01.03.1998. The petitioner was a minor during the relevant point of time. The elder sister of the petitioner, Sivakumari was married at the the time of the death of his father. She was aged about 25 years. However, the petitioner could not able to submit an application during the relevant point of time within three years, since he was a minor. On attaining the age of majority, he submitted an application, by that time 17 years lapsed.

3. The learned counsel for the petitioner made a submission that the petitioner on attaining the age of majority, submitted an application. Therefore the said application is to be considered.



4. This Court is of the considered opinion that the scheme of compassionate appointment is to be implemented strictly in accordance with the terms and conditions stipulated. Any violation of the scheme would result in unconstitutionality and cause infringement of the rights of all the eligible persons who are all aspiring to secure public employment through open competitive process. Thus, the scheme being violative of Article 12 and 16 of the Constitution of India must be scrupulous with reference to the terms and conditions.

5. In the present case, the employee died in the year 1998 and almost 22 years lapsed. Lapse of time is also a ground to reject the application as the penurious circumstance arose on account of the sudden death of an employee vanished. Thus, this court do not find any infirmity in respect of the reasons stated in the order impugned. Therefore, the writ petition stands dismissed. No costs.

28.09.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order



To

1. The Secretary,
Health & Family Welfare Department,
Secretariat,
Fort Saint George,
Chennai – 600 009.

2. The Director of Family Welfare,
Directorate of Family Welfare,
Chennai – 600 006.

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S.M.SUBRAMANIAM, J.

mrn

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