



W.P.No.31059 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31059 of 2016
and W.M.P.No.26929 of 2016

J.Christopher

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Transport Department,
Secretariat,
Chennai – 600 009.

2.The Transport Commissioner,
Chepauk,
Chennai – 600 005.

3.The Regional Transport Officer (South),
Peelamedu,
Coimbatore – 641 004.

4.V.R.Devarajan

... Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 23.3.2016 made in Lr.R.No.34851/R2/2015 passed by



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the 2nd respondent, quash the same and consequently direct the respondents 1 to 3 to consider the petitioner's claim for appointment on compassionate ground in the place of his mother (late) D.Gracy who died on harness on 4.10.2005

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.R.Vigneswaran
Government Advocate
for R1 to R3

Mr.T.Karunamoorthy for
Mr.P.R.Balasubramaniam for R4

ORDER

The order of rejection dated 23.03.2016, rejecting the claim of the writ petitioner for compassionate appointment is under challenge in the present writ petition.

2.The petitioner states that his mother Late Smt.D.Gracy was working as a Superintendent in the office of the 3rd respondent. She died on 04.10.2005, while she was in service.



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3. There was a family dispute between the petitioner and one Mr. Devarajan, who claims to be the husband of the deceased employee Mrs. D. Gracy. The learned counsel for the petitioner states that the petitioner filed a Civil Suit in O.S.No.2700 of 2008 and the Decree was passed on 15.09.2010. However, the order impugned reveals that the said Mr. Devarajan also filed another civil suit in O.S.No.2512 of 2015 for the relief of permanent injunction and not to give any appointment on compassionate ground to the writ petitioner Mr. J. Christopher and Selvi. J. Christina and the said suit is pending on the file of the Additional District Munsif at Coimbatore. When the said Mr. Devarajan also filed a civil suit, the issues are to be resolved between the parties. Unless, the family disputes are resolved, the authorities competent may not be in a position to consider the case of the writ petitioner for grant of service benefits including the compassionate appointment. That apart, the scheme of compassionate appointment cannot be extended after a lapse of so many years. In the present case, the deceased employee died in the year 2005 and seventeen years lapsed. Thus, the penurious circumstances if at all aroused during the relevant point of time when the deceased employee died has now become vanished. The efflux of time is also a ground to reject the claim for



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compassionate appointment. Thus, the petitioner is not entitled for the relief and in respect of other benefits, the petitioner is at liberty to claim after resolving the family dispute before the competent court of law.

4. With this observation, this writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

27.09.2022

Index : Yes
Internet : Yes
Speaking order
ssr

To

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S.M.SUBRAMANIAM, J.

ssr

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