



WEB COPY



W.P.No.32120 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.32120 of 2016
and W.M.P.No.27863 of 2016

C.Baskararn

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Highways Department,
Fort St. George,
Chennai – 600 009.
- 2.The State of Tamil Nadu,
Rep. by the Additional Secretary to Government,
Highways and Minor Ports Department,
Fort St. George,
Chennai – 600 009.
- 3.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Labour and Employment Department,
Fort St. George,
Chennai – 600 009.
- 4.Chief Engineer (General),
Highways Department,



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Chepauk, Chennai – 600 005.

5.The Divisional Engineer (Highways),
Thiruvallur Division,
Thiruvallur.

6.The Divisional Engineer (Highways),
Saidapet Division,
Chennai – 600 006.

7.The Assistant Divisional Engineer (Highways),
Ponneri.

... Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent passed in Letter No.18043/H.M.2/2006-19 dated 24.10.2013 and quash the same and consequently direct the respondents to consider the petitioner for any eligible post on compassionate ground and to pay all the monitory and service benefits to the petitioner based on the letter No.39924/Q1/95-1 dated 11.10.1995 issued by the Labour and Employment Department , Government of Tamil Nadu.

For Petitioner : Mr.V.S.Jagadeesan

For Respondents : Mr.K.Karthik Jagannath
Government Advocate
for R1, R2, R4 to R7

Mr.M.Rajendiran
Additional Government Pleader for R3



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ORDER

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

2.The petitioner states that his father Late.Mr.S.Chellan was working as a temporary Road Worker and died on 11.07.1977, while in service. Already 44 years lapsed from the date of the death of the deceased employee. Thus, the requirement of indigent circumstances at this length of time cannot be considered at all. The indigence must be ascertained with reference to the death of the Government employee. Moreover, in the present case, the father of the writ petitioner was a temporary employee and his services were not regularized. The reason stated in the impugned order reveals that the father of the writ petitioner was not brought under the regular establishment and therefore, the scheme of compassionate appointment is inapplicable. The scheme of the compassionate appointment is applicable only in respect of the permanent Government employees. Since his father was a temporary employee, the case



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was rightly rejected. That apart, the petitioner even at the time of filing of the writ petition was aged about 40 years and now he would be around 47 years and thus, he is already over aged and that apart, the employee died 44 years back and for all these reasons, the scheme of compassionate appointment cannot be extended in favour of the writ petitioner.

3.Thus, this Court do not find any infirmity in respect of the reasons stated in the order impugned. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

27.09.2022

Index : Yes
Internet : Yes
Speaking order
ssr

To

1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Highways Department,
Fort St. George,
Chennai – 600 009.



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- 2.The State of Tamil Nadu,
Rep. by the Additional Secretary to Government,
Highways and Minor Ports Department,
Fort St. George,
Chennai – 600 009.
- 3.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Labour and Employment Department,
Fort St. George,
Chennai – 600 009.
- 4.Chief Engineer (General),
Highways Department,
Chepauk, Chennai – 600 005.
- 5.The Divisional Engineer (Highways),
Thiruvallur Division,
Thiruvallur.
- 6.The Divisional Engineer (Highways),
Saidapet Division,
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S.M.SUBRAMANIAM, J.

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