



W.P.No.17288 of 2019

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17288 of 2019

B.Satheesh

... Petitioner

Vs.

1. The Secretary to Government,
Department of Commercial Taxes and Registration,
Fort St.George,
Chennai – 600 009.
2. The Commissioner of State Taxes,
Ezhilagam,
Chepauk,
Chennai – 600 005.
3. The Joint Commissioner of State Taxes (Enforcement),
Salem Division,
Salem.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to revise the petitioner's appointment as Junior Assistant with effect from date of his appointment (viz 09.09.1998) and further direct them to provide subsequent



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promotions by taking into account of the petitioner's service rendered in the cadre of record clerk with effect from 09.09.1998 and in the cadre of Junior Assistant with effect from 15.03.2009 and in the cadre of Assistant with effect from 05.12.2012 along with back wages and other monetary benefits.

For Petitioner : Mr.J.Pooventhera Rajan

For Respondents : Mrs.K.Vasanthamala
Government Advocate (Taxes)

ORDER

The relief sought for in the present writ petition is to direct the respondents to revise the petitioner's appointment as a Junior Assistant with effect from his date of appointment i.e. 09.09.1998 and further direct them to provide subsequent promotions by taking into account of the petitioner's service rendered in the cadre of record clerk with effect from 09.09.1998 and in the cadre of a Junior Assistant with effect from 15.03.2009 and in the cadre of an Assistant with effect from 05.12.2012 along with back wages and other monetary benefits.

2. The petitioner states that his father served in the Commercial Taxes Department and died on 20.03.1984, while he was in service. Thus, the



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petitioner submitted an application to appoint him on compassionate grounds.

His case was considered and he was appointed as a Record Clerk in the Commercial Tax Department, Salem Division, with effect from 09.09.1998.

3. Admittedly, the petitioner is now working as an Assistant in the office of the Assistant Commissioner (Enf), Hosur. While so, the petitioner sent a representation to the authorities to revise his appointment order and retrospectively appoint him to the post of a Junior Assistant on compassionate grounds.

4. The claim itself is untenable, in view of the fact that the compassionate appointment is a concession and not an absolute right. The scheme of compassionate appointment is introduced with an object to mitigate the circumstances arising on account of a sudden death of a Government employee. It is not intended to provide one appointment to the family of the deceased employee. The scheme being violative of Article 14 and 16 of the Constitution of India, to be implemented strictly in accordance with the terms and conditions.



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5. In the present case, the case of the petitioner was considered and he was appointed as a Record Clerk on compassionate appointment and thereafter, he was promoted to the post of a Junior Assistant and now working as an Assistant. While so, claiming retrospective appointment by revising the original appointment order is against the scheme itself and even as per the rules, such a claim is not entertainable. The scheme being an exception and the petitioner was already appointed on compassionate grounds, there is no provision to revise the appointment once again, under the compassionate ground. Thus, the claim is untenable and consequently, the writ petition stands dismissed. No costs.

02.12.2022

Index: Yes/No
Speaking order/Non-speaking order
rgm/mrn



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To

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S.M.SUBRAMANIAM, J.

rgm/mrn

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