



WP No.40713 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-11-2022

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**

**WP No.40713 of 2016**

R.Hemachandar @ Balaji ..

Petitioner

VS.

1.The State Represented by  
The Secretary,  
Home Department,  
Secretariat,  
St. George Fort,  
Chennai.

2.The Director General of Police,  
Dr.Radhakrishnan Salai,  
Mylapore,  
Chennai-4.

3.The Superintendent of Police,  
Vellore,  
Vellore District. ..

Respondents



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Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 2 and 3 to consider the petitioner's representation dated 24.02.2016 given to the respondents 2 and 3 seeking suitable employment under compassionate grounds.

For Petitioner : No Appearance  
For Respondents : Mr.S.Rajesh,  
Government Advocate.

### **O R D E R**

The Writ of Mandamus has been filed to direct the respondents 2 and 3 to consider the representation submitted by the writ petitioner on 24.02.2016 to provide appointment on compassionate grounds.

2. The father of the writ petitioner late Mr.R.Rajan Babu was employed as Constable and died on 30.08.2002, while he was in service. The mother of the writ petitioner Smt.Lakshmi Devi made an application to provide appointment on compassionate grounds on 19.10.2002.

3. When the Authorities asked the mother of the petitioner to



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submit all the relevant documents for the purpose of sending the proposal to the Competent Authority, the petitioner's maternal uncle one Mr.Kothandaraman on 06.01.2003 attended the office of the third respondent and submit a written request that he will place the relevant materials and further documents after getting the monetary death benefits and pension. As per the request made by the mother of the writ petitioner and his maternal uncle in writing, the matter was kept pending by the third respondent for want of further documents.

4. The third respondent on expiry of six months sent a communication to the mother of the writ petitioner to submit all the relevant documents within a stipulated period of three years as per G.O.Ms.No.120, Labour and Employment Department dated 26.06.1995. Pursuant to the said communication of the third respondent, the mother of the writ petitioner visited the office of the third respondent and sought further time to submit the relevant documents. However, she did not turn up thereafter till 22.07.2013.



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5. The mother of the writ petitioner failed to enclose the family income certificate, property certificate and other sources of income and the employment certificate of the members of the family, including the private employment and all other required documents. Since the mother of the writ petitioner had not pursued the application within a period of three years, the Authorities have not taken any further action to consider the case of the mother of the writ petitioner for appointment on compassionate grounds. Admittedly, the petitioner was minor at the time of death of his father and therefore, his case was unable to be considered during the relevant point of time and now almost 20 years lapsed.

6. The petitioner submitted yet another application in the year 2016 and the said application was not considered in view of the fact that it was submitted after a lapse of three years from the date of death of the deceased employee.

7. The fact remains that the father of the writ petitioner died on 30.08.2002 and almost 20 years lapsed from the date of death of the



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deceased employee. Thus at this length of time, submitting an application for appointment on compassionate ground cannot be considered. That apart the mother of the writ petitioner had not submitted all the relevant documents and materials, despite the fact that the communication has been sent by the Authorities in time. Thus the writ petitioner is not entitled for the relief as such sought for in the present writ petition.

8. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

**03-11-**

**2022**

Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

Svn

To

1.TheSecretary,  
State of Tamil Nadu,  
Home Department,  
Secretariat,  
St. George Fort,  
Chennai.

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**S.M.SUBRAMANIAM, J.**

Svn

2.The Director General of Police,  
Dr.Radhakrishnan Salai,  
Mylapore,  
Chennai-4.

3.The Superintendent of Police,  
Vellore,  
Vellore District.

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