



W.P.No.7292 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7292 of 2016

V.Nagammal

... Petitioner

Vs.

1.The Commissioner
Town Municipality,
Kancheepuram.

2.The Collector,
Kancheepuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to provide suitable job to the petitioner as the daughter of Late.K.Varadhan, who was sanitary worker and died while in service on 26.02.2013 on compassionate grounds under the declared policy of the State Government.

For Petitioner : Mr.A.Murugan

For R1 : Mr.G.B.Rajesh

For R2 : Mr.T.K.Saravanan
Government Advocate



W.P.No.7292 of 2016

ORDER

WEB COPY

The relief sought for in the present writ petition is to direct the 1st respondent to provide suitable job to the petitioner on compassionate grounds.

2. The petitioner states that his father Late Mr.K.Varadhan was employed as Sanitary Worker initially on daily wage basis and subsequently, he was regularly appointed as Sanitary Worker with effect from 04.07.1985.

3. The learned counsel for the petitioner states that the father of the writ petitioner was mentally ill for some period and he was admitted in Mental Health Hospital at Kilpauk. The father of the writ petitioner died on 26.02.2013 and therefore, the petitioner made an application to provide appointment on compassionate ground. The said application was not considered and thus, the petitioner is constrained to move the present writ petition.

4. The 1st respondent / Commissioner, Kancheepuram Municipality



filed a counter affidavit stating that the petitioner's father Late Mr.K.Varadhan was appointed as Sanitary Worker on 04.07.1985 on regular basis. From 04.07.1985 to 06.02.1989, in the four years of service, hardly he worked about two and half years and latter on suddenly he remained unauthorisedly absent from duty with effect to 06.02.1989 onwards. The father of the petitioner never turned back to duty and unauthorisedly absent from February 1989 onwards. Subsequently, after a lapse of 8 months, the 1st respondent received a letter dated 23.10.1989 from the Institute of Mental Health, Kilpauk, Chennai by stating that the father of the writ petitioner Late Mr.K.Varadhan was admitted into the Institute of Mental Health on 06.03.1989 and discharged on 16.08.1989 and thereafter, the father of the writ petitioner was directed to join duty within a period of 7 days from the date of receipt of the letter. However, the father of the writ petitioner had not joined and after a lapse of 4 years on 18.03.1993, the deceased employee Mr.K.Varadhan approached the respondents, seeking permission to join duty. The respondent / Municipality sent a letter on 21.10.1993 to the Institute of Mental Health and to the father of the writ petitioner to know about the mental health condition and to know whether he recovered from the mental illness completely and fit to serve in the Municipality.



WEB COPY

5. However, the fact remains that the deceased employee had not taken any further steps to re-join duty and he had not submitted any fitness certificate to establish that he is mentally capable of performing his duties in the Municipality. There was no reply from the deceased employee or from his family members from year 1993 to 2011 for about 18 years. Thus, the respondents states that the application submitted by the petitioner cannot be considered with reference to terms and conditions of the scheme of compassionate appointment.

6. The facts as stated would establish that the deceased employee, hardly served about two and half years, between the years 1985 to 1989 and thereafter, on 06.03.1989 admitted in the Institute of Mental Health, Kilpauk, Chennai to get treatment for his mental ill-health. He had not attended duty thereafter and almost 24 years later he died on 26.02.2013. Thus, at this length of time, the petitioner is not eligible to seek appointment on compassionate ground. The father of the writ petitioner also had not turned for reporting duty. That apart, even at the time of filing of the writ petition she was aged about 32 years and now she would be around 38 years.



W.P.No.7292 of 2016

WEB COPY

7. The learned counsel for the petitioner states that the petitioner got married and living along with her husband. Under these circumstances, the petitioner cannot be said to be the depended of the deceased employee. At the time of death the deceased employee, was not an earning member and he abandoned his duties for about 23 years right from the year 1989 onwards. When the legal heirs of the deceased employee are not depended of the employee then the scheme of compassionate appointment cannot be extended.

8. Accordingly, the Writ Petition stands dismissed. No costs.

03.11.2022

Jeni

Index : Yes

Speaking order

To

1.The Commissioner
Town Municipality,
Kancheepuram.

2.The Collector,

Page 5 of 7



Kancheepuram District.

WEB COPY



W.P.No.7292 of 2016



WEB COPY



W.P.No.7292 of 2016

S.M.SUBRAMANIAM, J.

Jeni

W.P.No.7292 of 2016

03.11.2022