

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24524 of 2014

Anjalai

...Petitioner

Vs

1.The Director,
Rural Development & Panchayat
Raj Department,
Panagal Building, Saidapet,
Chennai - 600 015.

2.The District Collector,
Villupuram District.

3.The Block Development Officer,
Marakkanam Panchayat Union,
Thindivanam Taluk,
Villupuram District.

4.The President,
Annamputhur Panchayat,
Marakkanam Union,
Villupuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents, particularly 1st and 2nd respondents i.e., The Director, Rural Development and Panchayatraj Department, Panagal Buildings, Saidapet, Chennai 600 015, and the District Collector, Villupuram District to give a suitable job to the petitioner's son on compassionate ground in any place in Marakkanam Union, Villupuram District immediately.

For Petitioner : Mr.K.Balakrishnan

For R1 & R2 : Mr.M.Bindran
Additional Government Pleader

For R3 & R4 : Mr.T.Jaishankar

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 and 2 to appoint the son of the writ petitioner on compassionate grounds in any suitable post.

2. The petitioner states that her husband late Kuppan was employed as Overhead Water Tank Operator and he was appointed based on the resolution passed by the fourth respondent on 05.07.2004.

3. The learned counsel for the petitioner states that the husband of the writ petitioner was serving till his death on 13.08.2013 and he died while he was in service. The learned counsel made a submission that the husband of the petitioner was continuously working for a period of 9 years and therefore, the petitioner submitted an application seeking appointment on compassionate grounds in favour of her son. The respondents have not considered the same and thus, the present writ petition is filed.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2 objected the said contention by stating that the husband of the petitioner was engaged as temporary Overhead Water Tank Operator in Annamputhur Village Panchayat, vide Resolution No.15, dated 05.07.2004. The husband of the petitioner was receiving a consolidated pay of Rs.600/- per month initially. He died on 13.08.2013 and at the time of his death, he was drawing a consolidated pay of Rs.2,040/- per month. It is contended that the engagement of the husband of the petitioner was on temporary basis and there is no sanctioned regular post of Overhead Tank Operator in the Panchayat and thus, seeking compassionate appointment is not applicable to the temporary employees.

5. This Court is of the considered opinion that the scheme of compassionate appointment is applicable only to the regular employees and therefore, the terms and conditions of the scheme are to be applied scrupulously. In the present case, the husband of the petitioner was appointed as Overhead Water Tank Operator on temporary basis and for a consolidated pay. The consolidated pay employees cannot be treated as regular employees and they will not be eligible for appointment on compassionate grounds.

6. In view of the fact that the husband of the petitioner was not a regular employee and even at the time of his death, he was serving as a consolidated pay employee, the scheme of compassionate appointment cannot be applied and therefore, the relief as such sought for cannot be granted.

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

Sd/-
Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

hvk

To

1.The Director,
Rural Development & Panchayat
Raj Department,
Panagal Building, Saidapet,
Chennai - 600 015.

2.The District Collector,
Villupuram District.

3.The Block Development Officer,
Marakkanam Panchayat Union,
Thindivanam Taluk,
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4.The President,
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Marakkanam Union,
Villupuram District.

+1cc to Mr.K.Balakrishnan, Advocate SR.No.43121

+1cc to Government Pleader SR.No.43419

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SR(CO)
GMY(21/07/2022)