



W.P.No.24878 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24878 of 2014

and

M.P.No.1 of 2014

R.Boopathy

...Petitioner

-Vs-

1.Government of Tamil Nadu,
Rep. by Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai - 600 009.

2.The Regional Director of
Municipal Administration,
Rajaji Kalaimanra Kattidam,
No.253, Breads Road,
Thongum Poonga, Salem - 7.

3.The Commissioner (incharge),
Mettur Municipality, Mettur,
Salem District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the third respondent in proceedings Na.Ka.No.195/2013/H1, Municipal Administration and Water Supply Department, dated 23.05.2013 and quash the same and to issue



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consequential directions to the respondents to appoint the petitioner in any one of the post on compassionate ground under the third respondent Municipality with all benefits.

For Petitioner : Mr.A.Esakkiappan
For R1 & R2 : Mr.S.Prabhakaran,
Government Advocate
For R3 : Mr.L.P.Maurya

ORDER

The order of rejection, rejecting the claim of the writ petitioner to provide appointment on compassionate ground, is under challenge in the present writ petition.

2. The mother of the writ petitioner Smt.Kulanthaiammal was working as a Sweeper in the third respondent Municipality. She died on 04.09.2011 while she was in service. The writ petitioner states that his father was also aged about 67 years during the relevant point of time and therefore, he submitted an application on 18.01.2013 for providing appointment on compassionate ground. The said application was rejected by the respondents on the ground that the petitioner was over aged.



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3. The respondents state that the mother of the writ petitioner was working as a Sanitary Worker and she died on 04.09.2011. The writ petitioner Mr.S.Boopathy, son of the deceased Kulanthaiammal applied for appointment on compassionate ground. Since the establishment charges of the Municipality exceeded over 49% of the receipt charges, the petitioner's application was forwarded to the RDMA, Salem to appoint him as Sanitary Worker in any other Municipalities in the Salem Region. The RDMA returned the proposal vide his letter dated 22.04.2013, stating that as per G.O.Ms.No.9, Labour and Employment (Q1) Department, dated 19.01.1998 and Government Letter (M.S) No.86/Q1/2010 dated 04.05.2010, the petitioner cannot be appointed on compassionate ground as he was over aged. The petitioner had completed 35 years of age during the relevant point of time. Thus, an information was provided to the writ petitioner in this regard.

4. This Court is of the considered opinion that the scheme of compassionate appointment is a concession and therefore cannot be claimed as a matter of right. Appointment on compassionate ground ought to be provided strictly in accordance with the terms and conditions of the scheme. The application submitted by the petitioner



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was considered by the competent authorities and it was rejected on the ground that the petitioner was over aged during the relevant point of time.

5. In view of the fact that the petitioner was not eligible for appointment on compassionate ground, this Court, at this length of time, cannot consider the relief as such sought for by the petitioner. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

28.06.2022

Index:Yes
Internet:Yes
Speaking order
hvk



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To

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Municipal Administration and
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Secretariat, Chennai - 600 009.
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S.M.SUBRAMANIAM, J.

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