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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6525 of 2017
and
W.M.P.No.7031 of 2017

S.Lakshmi ... Petitioner

Vs.

1.The State
Rep. by its Chief Secretary
Government of Tamil Nadu
St. George Fort,
Chennai – 600 009.

2.The District Collector
Kancheepuram Collector Office,
Kancheepuram District.

3.The Thasildar,
Kancheepuram,
Kancheepuram District.

4.The Deputy Collector
Kancheepuram Collector Office,
Kancheepuram Distirct.

5.L.Ramadoss ... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to consider the representation dated 04.01.2016 and appoint the petitioner in the post on compassionate ground.

For Petitioner : Ms.Kanimozhi Mathi

For R1 to R4 : Mr.T.K.Saravanan
Government Advocate

For R5 : Mr.T.Sathiyamoorty

O R D E R

The relief sought for in the present writ petition is to direct the 2nd respondent to consider the representation dated 04.01.2016 and appointment on compassionate grounds.

2. Compassionate appointment is a concession cannot be claimed as an absolute right. Appointment on compassionate ground is to be provided strictly in accordance with the terms and conditions stipulated.

3. In the present case, there is dispute within the family and more so, it is brought to the notice of this Court that the deceased employee has two

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wives and in this regard, a civil suit is pending before the Competent Civil Court of Law in O.S.No.301 of 2015 on the file of District Munsif Court, Kancheepuram.

4. During the pendency of the civil suit, the competent authorities of the Government Department may not be in a position to take an appropriate decision based on the terms and conditions stipulated in the scheme. More so, the compassionate appointment is to be provided within a reasonable period of time and efflux of time is also a ground to draw the factual inference that the penurious circumstances arising on account of the sudden death of the employee became vanished. Thus, the scheme of compassionate appointment is not objected to provide one appointment to the legal heir of the deceased employee, but it is to be granted within a reasonable period from the date of death of the deceased employee. Since the civil dispute within the family is pending, the authorities are not in a position to consider the case of the writ petitioner. Thus, the relief as such sought for to consider the representation deserves no merit consideration.

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5. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Jeni
Index : Yes
Speaking order / Non-speaking order

To

1.The Chief Secretary
The State
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St. George Fort,
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S.M.SUBRAMANIAM, J.

Jeni

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