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W.P.No.24153 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24153 of 2017

B.Nagalakshmi

... Petitioner

Vs.

The Chairman,
Chennai Port Trust,
Rajaji Salai,
Chennai – 600 001.

... Respondent

Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records in No.A9/08/2012/CHD dated 29.02.2016 on the file of the respondent and to quash the same and directing the respondent to consider the petitioner's representation dated 05.08.2014.

For Petitioner

: Dr.G.Krishnamurthy

For Mr.J.B.Solomon Peterkamaldoss

For Respondent

: Mr.M.Palanimuthu



ORDER

The order of rejection, rejecting the claim of the writ petitioner for payment of compensation in eve of compassionate appointment in proceedings dated 29.02.2016 is under challenge in the present writ petition.

2. The petitioner states that her husband Late Mr.R.Bakthavachalam was employed in Chennai Port Trust and died on 31.01.1992, while he was in service. During the relevant point of time, the petitioner opted for compensation and admittedly, not opted for employment on compassionate grounds. Further, at the time of death of the employee, the petitioner was aged about 39 years as on 17.03.1992 itself. Thus, she had opted for compensation in eve of employment. Further, at the time of filing of the writ petition, the petitioner was aged about 62 years and now she would be around 67 years.

3. The respondent rejected the claim of the writ petitioner mainly on the ground that as per the guidelines, the report of the Committee was considered. On scrutinisation of the dependency opted for compensation package, the competent authorities found that the writ petitioner Smt.B.Nagalakshmi has crossed the age of 40 years in the year 2001 and



thus, she became ineligible for compensation package by the Constituted Committee.

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4. There is no regular scheme of compassionate appointment in the Chennai Port Trust and thus, the committee was constituted to frame guidelines for considering the case for providing appointment and to grant compensation in the eve of compassionate appointment. Pursuant to the report of the committee and based on the guidelines, the case of the writ petitioner was considered and at the time of consideration, the petitioner crossed the age of 40 years in the year 2001 and thus, the authorities rejected the claim of the writ petitioner for compensation.

5. This Court is of the considered opinion that compassionate appointment is a concession and cannot be claimed as an absolute right. Thus, the guidelines or the scheme formulated by the Committee Competent is to be adopted scrupulously, while considering the application submitted by the eligible legal heirs of the deceased employee. In the present case, deceased employee died on 31.10.1992 and the Committee Constituted framed guidelines to grant compensation to the eligible legal heirs of the deceased employee in the eve of compassionate appointment. When the case



of the writ petitioner was considered in the year 2001, she had crossed the age of 40 years. Thus, the application was rejected.

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6. That apart, the petitioner being the wife of the deceased employee would be eligible for other benefits including family pension. When the petitioner had already received terminal and pensionary benefits due to the deceased employee and now receiving family pension, the rejection of claim of the writ petitioner for grant of compensation is in accordance with the scheme and cannot be found fault with. When the compensation is sought for by the wife of the deceased employee and the authorities found that she is not eligible as she had crossed the age of 40 years, now at this length of time, more so, after a lapse of 30 years from the date of death of the deceased employee, this Court cannot grant any relief.

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

10.10.2022

Jeni

Index : Yes

Speaking order



W.P.No.24153 of 2



To

The Chairman,
Chennai Port Trust,
Rajaji Salai,
Chennai – 600 001.



WEB COPY

W.P.No.24153 of 2



S.M.SUBRAMANIAM, J.

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W.P.No.24153 of 2017

10.10.2022