



W.P.No.16107 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16107 of 2017

P.Chandru

... Petitioner

Vs.

1.The Government of Tamil Nadu
Rep. by the Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai – 600 007.

2.The Director General of Police,
Police Department,
Mylapore, Chennai – 600 004.

3.The Joint Commissioner of Police,
South Zone Office,
Police Commissioner Office Road,
St.Thomas Mount,
Chennai – 600 016.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to appoint the petitioner as Junior Assistant in their Department on Compassionate grounds by considering his representation dated 08.03.2017 in the light of G.O.Ms.1499 (Labour and Employment) (Q1) dated 03.08.1989.



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For Petitioner : Ms.V.Manisha
For M/s.K.Akhilandeswari
For Respondents : Mr.S.Rajesh
Government Advocate

ORDER

Shri. V.Manisha, learned counsel for the petitioner articulated the case of the petitioner, which is to be appreciated.

2. The petitioner was appointed on compassionate ground to the post of Office Assistant due to the death of his father on 15.02.2001. Thus, the benefit of the scheme of compassionate appointed was extended to the writ petitioner long back during the year 2016.

3. The learned counsel for the petitioner mainly contended that the petitioner is fully qualified for the appointment to the post of Junior Assistant and therefore, the authorities ought to have appointed the petitioner to the post of Junior Assistant.

4. Post can never be claimed as a matter of right under the compassionate scheme. The purpose and object of the compassionate



appointment is to mitigate the circumstances arising on account of sudden death of an employee. Scheme being a concession, which is to be implemented strictly in accordance with the terms and conditions stipulated.

5. In the present case, the petitioner was considered and he was appointed on compassionate grounds. After securing appointment under the compassionate ground, now he cannot seek further appointment to the post of Junior Assistant, merely on the ground that he is qualified for the higher post. Possessing qualification would not confer any right to claim any higher post. If at all the petitioner aspires to secure higher post, he has to participate in the process of selection, if any notified by the competent authorities. In other words for securing higher posts, the petitioner has to participate in the open competitive process. After securing appointment under the compassionate grounds, a person cannot claim any further post again on the ground of compassionate ground. Once the benefit is extended thereafter, no further benefits can be extended either for promotion or for appointment of any other higher post or otherwise. This being the principles to be followed, this Court wishes the petitioner to secure higher post only through open competitive process on merits and in accordance with law.



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

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Index : Yes

Speaking order / Non-speaking order

To

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S.M.SUBRAMANIAM, J.

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