



WEB COPY

W.P.No.26560 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26560 of 2017
and
W.M.P.No.28279 of 2017

L.Manimala

... Petitioner

Vs.

1.The Secretary to the Government
Department of Labour and Employment Training,
Secretariat,
Chennai – 600 009.

2.The Commissioner,
Office of the Commissioner,
Corporation of Salem,
Salem District.

... Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order of the 2nd respondent, vide Letter vide Na.Ka.No. C4/12325/2007 dated 03.10.2013, quash the same and consequently direct the 2nd respondent to provide appropriate employment to the petitioner on compassionate ground in 2nd Respondent's office.



For Petitioner : Mr.P.Saravanan
For R1 : Mr.S.Rajesh
Government Advocate
For R2 : Mrs.N.Devi

ORDER

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

2. The father of the writ petitioner Mr.K.Loganathan was employed in the Office of the 2nd respondent and he was medically invalidated and relieved from service.

3. Based on the medical invalidation of the father of the writ petitioner, an application was submitted by the writ petitioner for appointment on compassionate ground. The case of the writ petitioner was rejected on the ground that the father at the time of the invalidation had crossed the age of 53 years.



4. As per the scheme of compassionate appointment, the medically invalidated employee must have declared as medically invalid before attaining the age of 53 years. The date of birth of the father of the writ petitioner one Thiru.K.Loganathan was 01.07.1953 and as on the date of medical invalidation, he has crossed 54 years and therefore, the petitioner is not eligible for appointment on compassionate grounds.

5. Scheme of compassionate appointment is to be provided strictly in accordance with the terms and conditions stipulated. The scheme of compassionate appointment is a concession and cannot be claimed as an absolute right. In the present case, the father of the writ petitioner was declared as medically invalidated after crossing the age of 53 years and therefore, this Court do not find any infirmity in respect of the reasons stated in the order impugned.



6. Accordingly, the writ petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

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Index : Yes

Speaking order

To

- 1.The Secretary to the Government
Department of Labour and Employment Training,
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S.M.SUBRAMANIAM, J.

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