



W.P.No.29747 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.29747 of 2017

L.Rajagopal

... Petitioner

Vs.

The Commissioner of Police
Commissioner office,
Greater Chennai,
Vepery, Chennai.

... 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 of the respondent in impugned proceedings No.Na.Ka.No.K.A.P.N/66/13934/2017 dated 21.03.2017 and quash the same and further direct the respondent to appoint the petitioner in any suitable post on compassionate ground.

For Petitioner : Mr.A.K.R.Ravi

For Respondent : Mr.S.Rajesh
Government Advocate

ORDER

The order of rejection rejecting the claim of the Writ Petitioner for compassionate appointment is under challenge in the present Writ Petition.



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2.The Writ Petitioner states that his father A.Loganathan served as a Head Constable in the Police Department and died on 26.05.1993, while he was in service. The petitioner was a minor at the time of the death of his father. Thus, he was not eligible during the relevant point of time. He submitted an application seeking appointment on compassionate ground on 25.07.2002, after a lapse of about nine years from the date of the death of the deceased employee. Thus, the authorities have summarily rejected the application.

3.The learned Government Advocate appearing on behalf of the respondents relying on the counter affidavit made a submission that the deceased Government servant nominated in the Service Record that Smt.Revathi is his wife. He has suppressed the second marriage with Smt.Shanthi (mother of the petitioner). The petitioner has not produced any order of divorce or otherwise in respect of his father's first marriage with Smt.Revathi. That apart, the petitioner himself has given a letter in writing on 17.09.2009, that he is not willing to pursue the appointment on compassionate grounds. Since, the petitioner himself has withdrawn the application seeking appointment on compassionate ground, the authorities have rejected the same. However, the petitioner subsequently turn around and filed the present Writ Petition.

4. The principles governing the Scheme of Compassionate Appointment



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has been considered by the Supreme Court in the recent judgments as under:-

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1. **Union of India and others vs. Amrita Sinha in C.A.No.7640 – 7641 of 2021** dated 11.12.2021 [(2021) 15 Scale 174]
2. **Ahmednagar Mahanagar Palika vs. Ahmednagar Mahanagar Palika Kamgar Union [2022 LiveLaw (SC) 739]**
3. **CENTRAL BANK OF INDIA vs. NITIN [2022 LiveLaw (SC) 690]**
4. **The State of Maharashtra and another vs. Ms.Madhuri Maruti Vidhate (Since after marriage Smt.Madhuri Santhosh Koli) [2022 LiveLaw (SC) 820]**
5. **Fertilizers and Chemicals Travancore Ltd & Ors. vs. Anusree K.B. [2022 LiveLaw (SC) 819]**

5. This Court is of the considered opinion that the father of the Writ Petitioner died in the year 1993 and almost 29 years lapsed. At this length of time, the scheme of compassionate appointment cannot be extended in favour of the Writ Petitioner. That apart, the petitioner himself had withdrawn the application submitted before the competent authorities.



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6. Accordingly, this Writ Petition stands dismissed. No Costs.

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Index : Yes
Internet : Yes
Speaking order : Yes
ep/ssr



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To

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The Commissioner of Police
Commissioner office,
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Vepery, Chennai



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S.M. SUBRAMANIAM, J.

SSR

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