



WEB COPY



W.P.No.29897 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29897 of 2018
and W.M.P.No.14269 of 2019

H.Vinoth Kumar

... Petitioner

Vs.

1.The Secretary to Government,
Health and Family Welfare Department,
St. George Fort,
Chennai – 600 008.

2.The Director of Medical and Rural Health Services,
3rd Floor, Teynampet,
Chennai – 600 006.

3.The Dean,
Rajiv Gandhi Government General Hospital,
Chennai – 600 003.

... Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to appoint the petitioner for the suitable post on the ground of compassionate appointment without insisting the succession certificate by the letter dt.25.06.2018 in Na.Ka.Yen.12086 Nee 5



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(1) 2015 of the 3rd respondent for the petitioner's deceased father V.Harikrishnan who was in service at the time of his death on 13.02.2015 as a Watchmen in the 3rd respondent hospital.

For Petitioner : Mr.B.Thirumalai
for Mr.N.Elaya Raja

For Respondents : Mr.A.M.Ayyadurai
Government Advocate

ORDER

The relief sought for in the present writ petition is to direct the respondents to appoint the petitioner in any suitable post on the ground of compassionate ground.

2.The petitioner states that his father Late.V.Harikrishnan was employed as Watchman in Rajiv Gandhi Government Hospital and died on 13.02.2015, while he was in service. The father of the writ petitioner was appointed on compassionate ground. The petitioner states that his father had two wives viz., Smt.H.Tamilselvi and Smt.H.Elizabeth and the petitioner is the son of first wife. The second wife has got two children. Under these circumstances, the respondents asked the petitioner to submit all relevant Certificates including Succession



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Certificate enabling them to consider. The learned counsel for the petitioner states that the petition to get Succession Certificate has already been filed and the same may take some more time and the direction may be issued to respondents to consider the application for providing appointment on compassionate ground.

3.This Court is of the considered opinion that consideration would arise only after submission of application in entirety along with all the requisite documents. The petitioner cannot seek any relief before submitting all the documents to the competent authorities. Court cannot issue any direction even to consider the application in respect of incomplete application. Thus, only completed applications are to be considered by the competent authorities in accordance with the terms and conditions of the scheme of compassionate appointment. Mere compromise between the family members would not provide any right to claim appointment. Beyond such compromise within the family, all required documents are to be submitted for the purpose of considering the claim for compassionate appointment. In the present case, the respondents in their counter affidavit have stated that the second marriage between the deceased employee and Smt.H.Elizabeth was illegal and the said second wife also claimed



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the retirement benefits of the deceased employee. In such circumstances, the respondents are not in a position to settle the benefits in the absence of appropriate order from the competent Court of law. This being the factum established, the petitioner only in the event of submitting all the required documents, his application is to be considered by the competent authorities.

4. With these observations, this writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

21.11.2022

Index : Yes
Internet : Yes
Speaking order : Yes
ssr

To

1. The Secretary to Government,
Health and Family Welfare Department,
St. George Fort,
Chennai – 600 008.



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S.M.SUBRAMANIAM, J.

SSR

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