



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.1729 of 2022

K.Vidhya

... Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The Thasildar,
Srirengam Taluk,
Trichy District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in his proceedings in Na.Ka.A4/25359/2015 dated 27.07.2017 and quash the same as illegal and consequently to direct the respondents to appoint the petitioner on compassionate ground to any of the post of commensurate with the petitioners qualification within the time that may be stipulated by this Court.

For Petitioner : Mrs.Jasima Yasmin
for M/s.Ajmal Associates

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

O R D E R

The order of rejection dated 27.07.2017 rejecting the claim of the writ petitioner for compassionate appointment is under challenge in the present Writ Petition.

2. The learned counsel appearing for the petitioner strenuously contended that the family of the petitioner is a deserving employee for appointment on compassionate ground. The father of the writ petitioner was working as Village Assistant at Puliur Village, Srirengam Taluk, Trichy District and died on 04.02.2000. The petitioner states that her mother submitted application in the year 2001. Admittedly, the petitioner submitted



an application beyond the period of three years, on attaining the age of majority and by that time, several years lapsed. Thus, the Authorities have not considered the case of the writ petitioner for appointment on compassionate ground.

3. Even the present case has been filed after a lapse of five years from the date of passing of the impugned order. Thus, the present writ petition itself is liable to be rejected on the ground of laches. The scheme of compassionate appointment cannot be extended after a lapse of twenty two years as the very purpose and object of the scheme is to ensure that the appointments are provided immediately after the death of the deceased employee considering the indigent circumstances. Therefore, efflux of time is a ground to draw a factual inference that the penurious circumstances arouse on account of sudden death of the employee became vanished and now 22 years lapsed, from the date of death of the deceased employee. Therefore, there is no scope to consider the case of the writ petitioner for compassionate appointment. Furthermore, the writ petition itself has been filed after a lapse of five years from the date of passing of the impugned order.

4. For all these reasons, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

1.The District Collector,
Trichy District, Trichy.

2.The Thasildar,
Srirengam Taluk,
Trichy District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-11061[F] dated 10/03/2022)

+1 CC to M/s.SPL GP (SR-11180[F] dated 10/03/2022)

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