



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.1399 of 2022

P.Sathish Pandi

... Petitioner

Vs.

- 1.The State of Tamil Nadu
Rep.by the Principal Secretary,
Home, Prohibition and Excise Department,
State Secretariat, Fort St.George,
Chennai-600 009.
- 2.The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai-600 004.
- 3.The Deputy Commissioner of Police,
Office of the Commissioner of Police,
Madurai City,
Alagarkovil Road, K.Pudur,
Madurai-625 001.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records connected with the impugned order issued by the Respondent No.3 in Na.Ka.No.P2(2)/40805/239/2021 dated 04.10.2021 and quash the same as illegal, consequently direct the respondents to provide appointment to the petitioner on the compassionate ground for the death of petitioner's father by name Pandi while on service by considering the petitioner's representation dated 26.11.2021 and on the basis of the Government Order in G.O.(MS)No.18 dated 23.01.2020 issued by the Labour and Employment Department, Government of Tamil Nadu in accordance with law within the time stipulated by this Honble Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.A.K.Manikkam,
Special Government Pleader



O R D E R

The order of rejection dated 04.10.2021 rejecting the claim of the writ petitioner for compassionate appointment is under challenge in the present Writ Petition.

2. The father of the petitioner was working as Head Constable and died on 07.06.2005, while he was in service. The mother of the petitioner submitted an application on 18.02.2006 along with the documents. The said application was rejected by the Department in proceedings dated 14.04.2006 stating that the petitioner is not eligible for appointment on compassionate ground, in view of the fact that his elder brother namely Ganeshapandi, is working as Police Constable in Tamil Nadu Police.

3. The learned Special Government Pleader made a submission that the said order of rejection dated 14.04.2006, was not challenged by the petitioner, during the relevant point of time. Contrarily, he was going on submitting the representation and the present impugned order is reiterating the original order of rejection of the year 2006.

4. Cause arouse for the present writ petition is that in the year 2006, his application was rejected. Subsequent representations cannot be considered as cause. The impugned order of rejection is nothing but reiterating the original order of the rejection passed in the year 2006. Thus, the same cannot be construed as fresh cause of action.

5. Regarding the eligibility, it is an admitted fact that the brother of the writ petitioner is working in the Police Department. When any one of the legal heir of the deceased employee is working in the Government Department or in privately, the family is not eligible to avail the scheme of compassionate appointment. When the brother of the writ petitioner, admittedly, is in the Police service, the petitioner is not eligible to get the appointment on compassionate ground. This apart, the deceased employee died in the year 2005 and already 16 years lapsed. After this length of time, the scheme of compassionate appointment cannot be extended.

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

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



1. The Principal Secretary,
Home, Prohibition and Excise Department,
State Secretariat, Fort St.George,
Chennai-600 009.
2. The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai-600 004.
3. The Deputy Commissioner of Police,
Office of the Commissioner of Police,
Madurai City,
Alagarkovil Road, K.Pudur,
Madurai-625 001.

+1 CC to M/s.SPL GP (SR-11535[F] dated 11/03/2022)

W.P.(MD) No.1399 of 2022

09.03.2022

_RD(23.03.2022) 3P 5C