



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.3223 of 2021

and

W.M.P (MD)No.2549 of 2021

WEB COPY

K.Punithasankari

... Petitioner

Vs.

1.The Commissioner of Land Survey,
Secretariat,
Chennai-600 009.

2.The District Collector,
Tuticorin District,
Tuticorin.

3.The Assistant Director(Land Survey)
Tuticorin,
Tuticorin District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in Na.Ka.No.A1/1404/18 dated 08.03.2016 and quash the same and consequently, direct the respondents to give appointment to the petitioner on compassionate grounds in a suitable post based on her educational qualification.

For Petitioner : Mr.Ganesh Kumar

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

ORDER

The order of rejection rejecting the claim of the writ petitioner for compassionate appointment in proceedings dated 08.03.2018 is under challenge in the present writ petition.

2.The father of the writ petitioner was working as Sub-Inspector of Survey and died in harness on 17.12.2013. The petitioner was a minor at the time of death of his father and therefore, his application submitted in the year 2014 for appointment on compassionate ground was not considered. However, on attaining the age of majority, the petitioner submitted a fresh application seeking appointment on compassionate ground on 15.03.2018 and the said application was also rejected on the ground that the application was not fall within the period of three years, as contemplated under the scheme of compassionate appointment.



3.This Court is of the considered opinion that if at all the children are minors during the relevant point of time when the Government employee died, the wife is eligible to seek appointment in any suitable post. However, the scheme of compassionate appointment cannot be violated. Compassionate appointment being a special scheme is in violation of Article 14 and 16 of the Constitution of India. It is to be restricted and the appointments sought to be made strictly with reference to the terms and conditions.

4.In the present case, the petitioner was a minor. The wife of the deceased employee has not submitted any application seeking appointment on compassionate ground. However, on attaining the age of majority, the petitioner submitted an application by that time, the period of three years expired. This being the factum now after a lapse of about 9 years, the case of the writ petitioner for appointment on compassionate ground cannot be considered. Thus, this Court do not find any infirmity in respect of the impugned order passed by the respondents.

5.With these observations, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

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/ /2022

Sub Assistant Registrar(CS)

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To

1.The Commissioner of Land Survey,
Secretariat, Chennai-600 009.

2.The District Collector,
Tuticorin District, Tuticorin.

3.The Assistant Director(Land Survey)
Tuticorin, Tuticorin District.

+1 CC to M/s.SPL GP (SR-9417[F] dated 02/03/2022)

+1 CC to M/s.C.GANESH KUMAR, Advocate (SR-9274[F] dated
01/03/2022)

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RD(21.03.2022) 2P 6C