



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2022

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THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P. (MD)No.4729 of 2022

Sivasakti

... Petitioner

vs.

1.The District Collector,
Ramanathapuram District, Ramanathapuram.

2.The Commissioner,
R.S.Mangalam Panchayat Union,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 1st respondent to consider the petitioner,s application, dated 25.11.2021, to appoint the petitioner on compassionate grounds in the respondents Department at Ramanathapuram District as per the educational qualification of the petitioner.

For Petitioner: Mr.V.Kannan

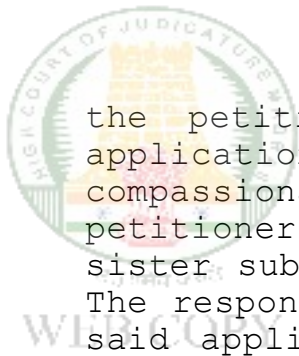
For R1 : Mr.N.Satheesh Kumar
Additional Government Pleader

For R2 : Mr.G.Amjad Khan
Government Advocate (Civil side)

O R D E R

This Writ Petition is filed for issuance of a Writ of Mandamus, to direct the 1st respondent to consider the petitioner application, dated 25.11.2021, to appoint the petitioner on compassionate grounds in the respondents Department at Ramanathapuram District as per the educational qualification of the petitioner.

2. The brief facts of the case are that the petitioner has completed education up to 12th standard. The petitioner's father, namely, M. Kulasekaran, was working as a Noon Meal Organizer at Suttampuli Village Panchayat Union School, R.S.Mangalam Taluk, Ramanathapuram District. On 01.10.1997, the petitioner's father died while he was under service. The deceased employee has three daughters, namely, Jeyanti, Mayawathi and Sivasakthi. The contention of the petitioner is that immediately after the death of



the petitioner's father, the petitioner's mother submitted an application, dated 22.12.1997, with all relevant documents seeking compassionate appointment to one of her daughter i.e. the petitioner's elder sister, Jayanthi. Subsequently, the petitioner's sister submitted an application seeking compassionate appointment. The respondents have not considered and there was no action on the said applications. Thereafter, the petitioner's Sister Jeyanthi was married and settled. The petitioner's second sister, namely Mayawati, died. The contention of the petitioner is that the family is suffering due to the death of her father and therefore, the petitioner applied for compassionate appointment on 14.08.2006. Again, the respondents have not acted upon and she preferred another application on 26.01.2007. The second respondent, vide proceedings, dated 06.03.2008, directed the petitioner to submit the originals as well as undertaking that no other family member is working as Government employee. The petitioner submitted all the relevant documents. Again, the petitioner submitted an application, dated 25.11.2021, to the Chief Minister Special Cell, Chennai and thereafter, the second respondent in response to the application to the Chief Minister Special Cell, contacted the petitioner in person and asked to meet the second respondent with all necessary documents. Accordingly, the petitioner appeared before the authorities along with the certificates. After perusing the entire papers, the respondents have communicated that the petitioner has submitted the application beyond the period of three years.

3.The contention of the petitioner is that the petitioner's father died in the year 1997 and she was minor during that period. Therefore, she had submitted the application after attaining majority within three years, i.e., in the year 2006. Therefore, the petitioner is seeking compassionate appointment. The petitioner's contention is that since the petitioner has applied within a period of three years from the date of attaining majority, the petitioner is eligible for such appointment. The same cannot be accepted.

4.The compassionate appointment is not a mode of recruitment. It is granted to the family of the deceased employee to give minimum support to the family, in order to overcome the sudden crisis due to the demise of the sole bread winner. In the present case, it is more than 24 years. The deceased Government employee's family was able to cope up with life in all these 24 years, which would prove that the family is not in indigent circumstances. The Government has issued several G.O.s, where it is stated that three years period of limitation is granted from the date of death of the Government employee and the Government orders have not stated from the date of attaining majority.

5.This Court is of the considered opinion that the petitioner



is not entitled to the relief of compassionate appointment.

6. Therefore, the Writ Petition is dismissed. No costs.

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Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

Tmg

To

1. The District Collector,
Ramanathapuram District, Ramanathapuram.

2. The Commissioner,
R.S. Mangalam Panchayat Union,
Ramanathapuram District.

+1 CC to M/s.V.KANNAN, Advocate (SR-12919[F] dated 18/03/2022)

+1 CC to M/s.SPL GP (SR-12966[F] dated 18/03/2022)

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

W.P. (MD) No. 4729 of 2022
17.03.2022

PA(18.04.2022) 3P 5C