



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A(MD)No.330 of 2022

and C.M.P. (MD) No.3279 of 2022

D.Karthika

.. Appellant/Petitioner

Vs

1. The Director of Public Health and Preventive Medicine,
O/o. the Directorate of Public Health and
Preventive Medicine,
Chennai.

2. The Deputy Director of Health Service,
O/o. Deputy Director of Health Service Office,
Namakkal,
Namakkal District.

3. The Block Medical Officer,
Government Upgraded Primary Health Centre,
Namagiripettai,
Namakkal District.

.. Respondents/Respondents

PRAYER IN WA(MD)No.330 of 2022: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 07.03.2022 made in W.P. (MD) No.14672 of 2021.

Prayer in WP(MD). 14672 OF 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.7383/A2/2007 dt. 08.07.2021 and quash the same as illegal and consequently to direct the Respondents to consider the name of the petitioner for appointment on any one of the post on compassionate ground within the period that may be stipulated by this Honble Court and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Appellant : Mr.C.Venkatesh Kumar

For Respondents : Mr.M.Sidharthan,
Additional Government Pleader



JUDGMENT

[Delivered by PARESH UPADHYAY, J.]

Challenge in this appeal is made to the order dated 07.03.2022 recorded on W.P.(MD) No.14672 of 2021. This appeal is by an unsuccessful writ petitioner.

2. Learned advocate for the appellant has submitted that, the denial to give compassionate appointment to the writ petitioner was an illegal action of the State which learned Single Judge ought to have interfered with. It is submitted that only because the father of the petitioner was also in Government service or subsequently was a pensioner, is no ground to deny compassionate appointment to the petitioner on the death of mother of the petitioner who was in Government service. It is submitted that this appeal be entertained.

3. On the other hand, learned Special Government Pleader has submitted that, the facts noted above speaks for itself and this was not the case where compassionate appointment could have been offered to the petitioner and therefore dismissal of writ petition can not be said to be erroneous in any manner which may call for any interference by this Court. It is submitted that this appeal be dismissed.

4. Having heard learned advocates for the respective parties and having considered the material on record this Court finds that, it is not in dispute that the father and mother both - of the petitioner were in service. The mother of the petitioner died and at that time, the father of the petitioner was also in service. We find that, the concept of compassionate appointment in this factual background would not crop up at all. The demand of the petitioner to get compassionate appointment, according to us in this factual background, was not justified. Only because the application for appointment was made after the retirement of the petitioner would not confer any additional right in favour of the petitioner. Waiting for convenience to become entitled to get compassionate appointment itself would frustrate the very purpose for which the compassionate appointment is considered. We find that, no interference is required and this appeal needs to be dismissed.

5. For the above reasons, this appeal is dismissed. No costs. Connected C.M.P.(MD) No. 3279 of 2022 would not survive.

Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)



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+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-18174[F]
dated 12/04/2022)

+1 CC to M/s.SPL.GP. (SR-18369[F] dated 12/04/2022)

W.A(MD)No.330 of 2022
11.04.2022

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