



W.P(MD)No.10928 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10928 of 2022

A.Emmanuvel

... Petitioner

Vs.

1.The Director,
Department of Public Health and Preventive Medicine,
No.359, Anna Salai,
Chennai-6.

2.The Deputy Director,
Health Services & Family Welfare Department,
Aranthangi,
Pudukkottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in Na.Ka.No.964/A1/2009 dated 11.03.2022 and quash the same as illegal and consequently, directing the 2nd respondent to provide compassionate appointment to the petitioner, within the stipulated time that may be fixed by this Court.

For Petitioner : Mr.SP.Vijay Nivas

For Respondents : Mr.R.Suresh Kumar
Additional Government Pleader



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ORDER

Heard the learned counsel on either side.

2. The petitioner's father was working as U.G.Superintendent in the office of the second respondent. He died on 21.07.2008 while in service. The petitioner applied for appointment on compassionate ground on 07.05.2009. The said request was rejected by the impugned order dated 11.03.2022. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.

4. The respondents have filed a counter affidavit and the learned Additional Government Pleader appearing for the respondents took me through its contents. He submitted that the reasons set out in the impugned order is well founded and that it does not call for any interference.

5. I carefully considered the rival contentions and went through the materials on record.



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6. It is true that the petitioner's father died while in service. The petitioner's mother had pre-deceased him and the petitioner's father had contracted a second marriage. The petitioner's father's wife is in Government Service as Auxiliary Nurse. The impugned order referred G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020 which states that if any member of the family of the deceased is in Government Service, then, the appointment cannot be granted on compassionate ground.

7. The learned counsel appearing for the petitioner draws my attention to Clause 4 of the very same G.O which is to the effect that if the said member had obtained Government employment even prior to the death of the Government servant and he or she is living separately and was not rendering any assistance in the family, the same can be borne in mind. The learned counsel appearing for the petitioner also relies on the order dated 09.07.2020 made in W.P. (MD)No.6606 of 2020.

8. Compassionate appointment cannot be treated as one more source of recruitment. The overall facts and circumstance will have to be borne in mind. The petitioner is aged about 42 years. His father had died some 14 years ago. It is well settled that such appointments are given only to enable the dependents



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to tide over the resulting financial crisis. The petitioner is married and is having children.

9. Taking note of all these aspects, the second respondent relying on the aforesaid G.O chose to reject his application. The reasons set out in the impugned order are very much reasonable. No interference is called for.

10. The Writ Petition is dismissed. No costs.

11.11.2022

Index : Yes / No
Internet : Yes/ No
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To

1.The Director,
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No.359, Anna Salai,
Chennai-6.

2.The Deputy Director,
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G.R.SWAMINATHAN, J.

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