



W.A.(MD)No.571 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.A(MD)No.571 of 2022

E.Sandhanavel

... Appellant

Vs.

1.The Secretary to Government of Tamil Nadu,
Highways & Minor Ports Department,
Secretariat, Chennai-600 009.

2.The Director General,
Highways (Construction & Maintenance),
Chennai.

3.The Divisional Engineer,
Highways (Construction & Maintenance),
Tirunelveli, Tirunelveli District.

4.The Assistant Divisional Engineer,
Highways Department, Radhapuram,
Tirunelveli District.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent to set aside the order of this Court, dated 28.04.2022 made in W.P.(MD)No.8851 of 2019 and consequently, to direct the respondents to consider the claim of the appellant for appointment on compassionate grounds.

For Appellant :Mr.S.Govindan

For Respondents :Mr.T.Amjad Khan

Government Advocate



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JUDGMENT

(Judgment of the Court was delivered by **S.S.SUNDAR, J.**)

This Writ Appeal is directed against the order of learned Single Judge in W.P(MD)No.8851 of 2019, dated 28.04.2022, filed by the appellant challenging the order of rejection of his application seeking appointment on compassionate ground.

2.Heard Mr.S.Govindan, learned Counsel for the appellant and Mr.T.Amjad Khan, learned Government Advocate, appearing for the respondents.

3.The facts in this case are not in dispute. The appellant's father, by name, Mr.Esakki Muthu, died on 16.06.2013 while he was working as Road Worker. It is admitted that the appellant's mother was not in a position to submit an application for compassionate appointment. Hence, the appellant submitted an application on 31.01.2018 after attaining the age of majority. Though the application was filed beyond the period of three years, it is contended by the learned Counsel for the appellant that the appellant being a minor cannot apply and that his application even though filed beyond the period of three years has to be considered.



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4. Having regard to the peculiar facts and circumstances of the case, the learned Single Judge, after referring to the several judgments, particularly, the judgment of Honourable Supreme Court, dismissed the Writ Petition by holding that the appointment on compassionate ground is not a new source of recruitment and it is permissible only within the scheme formulated by the Government extending the benefit of compassionate appointment to the members of the family of the deceased employee.

5. This Court, by order, dated 03.08.2022 in W.A(MD)No.94 of 2017, has allowed the Writ Appeal filed by the State as against the order of learned Single Judge of this Court allowing the Writ Petition filed by the dependent of the deceased employees rejecting the contention of the minor, who has filed the application beyond the period of limitation, but within a short time after attaining the age of majority. This Court followed the Full Bench Judgment of this Court earlier.

6. In view of the above, this Writ Appeal is dismissed. No costs.

[S.S.S.R., J.] [S.S.Y., J.]
04.08.2022

Index : Yes / No
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