



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 03.03.2022**

**CORAM**

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

**W.P. (MD) No. 11826 of 2021**

K.Nambirajan

... Petitioner

Vs.

1. The Divisional Engineer,  
Highways,  
(Constructions and Maintenance)  
Thoothukudi.

2. The Assistant Divisional Engineer,  
Highways (Construction and Maintenance),  
Tiruchendur,  
Thoothukudi District.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the second respondent in Kurippanai No.165/2017/A1 dated 18.11.2020 and quash the same and further directing the respondents to give employment to the petitioner on compassionate grounds considering the pathetic situation of petitioner's family due to the death of petitioner's father Kandasamy on 07.04.2015.

For Petitioner : Mr.R.Balakrishnan

For Respondents : Mr.D.Sadhiq Raja  
Additional Government Pleader

**O R D E R**

The order of rejection dated 18.11.2020 rejecting the claim of the writ petitioner for compassionate appointment is under challenge in the present Writ Petition.

2. The father of the writ petitioner namely Kandasamy was working as Road Worker and died on 07.04.2015, while he was in service.

3. The learned counsel appearing for the petitioner made a submission that the mother of the writ petitioner submitted an application on 22.03.2017 for providing appointment on compassionate



ground. However, the said application was not considered by the respondents. During the relevant point of time, the petitioner was a minor and therefore, he was not eligible to seek appointment. On attaining the age of majority, on 01.01.2019, the petitioner submitted an application on 23.01.2019 seeking appointment on compassionate ground. He further submits that the application submitted by the mother of the petitioner on 22.03.2017 is to be taken into consideration for the purpose of providing appointment on compassionate ground.

4. This Court is of the considered opinion that the mother of the writ petitioner crossed the age limit. Therefore, based on the application dated 22.03.2017, the respondents cannot provide appointment to the writ petitioner. There is no procedure for conversion of application under the scheme of compassionate appointment. Every application submitted by the legal heir is to be considered and there is no provision to entertain another application from another legal heir or for conversion of application submitted by the mother to the other legal heir namely daughters or sons.

5. This being the scope of the scheme of compassionate appointment and considering the fact that the petitioner is aged about 20 years and he has to work hard and try to come out in his life by right means, this Court wishes the petitioner for his bright future.

6. Accordingly, this Writ Petition is dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vji

To

1. The Divisional Engineer,  
Highways,  
(Constructions and Maintenance)  
Thoothukudi.
2. The Assistant Divisional Engineer,  
Highways (Construction and Maintenance),  
Tiruchendur,  
Thoothukudi District.



+1 CC to M/s.SPL GP ( SR-10169[F] dated 04/03/2022 )

+1 CC to M/s.R.BALAKRISHNAN, Advocate (SR-10043[F] dated 04/03/2022 )

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