



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.3267 of 2019

P.Vaiyalimuthu

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District.

2.The Deputy Director,
Department of Medical Rural Health Services &
Family Welfare,
District Family Welfare Bureau,
Virudhunagar District.

3.The Director,
Department of Family Welfare,
D.M.S. Campus,
Chennai - 06.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 26.02.2018 passed by the second respondent in his letter in Na.Ka.No.303/Ku.Na.A1/2006 to quash the same and consequently direct the respondents to provide any suitable employment to the petitioner by name Vaiyalimuthu on compassionate appointment.

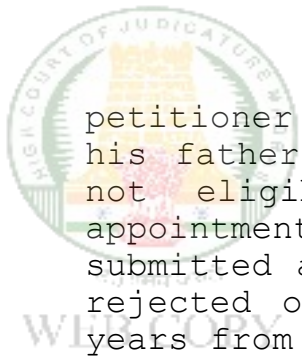
For Petitioner :Mr.P.Gogulnaath

For Respondents :Mr.M.Ramesh,
Government Advocate

O R D E R

The order impugned, dated 26.02.2018 rejecting the claim of the petitioner for appointment on compassionate ground, is under challenge in the present writ petition.

2. The petitioner states that his father Late.P.Paramasivam was holding the post of Carriage Cleaner in the office of the second respondent and died on 26.08.1998 while he was in service. The



petitioner states that he was 13 years old at the time of death of his father and was studying 9th standard. Thus, the petitioner was not eligible to submit an application seeking compassionate appointment and on attaining the age of majority, the petitioner submitted an application on 13.02.2006 and the said application was rejected on the ground that it was submitted after a lapse of 7 years from the date of death of the employee.

3. Even as per the Government Policy, an application seeking compassionate appointment is to be filed within a period of three years from the date of death of the deceased employee. If the son or daughter is not eligible, the wife of the employee is eligible to submit an application and in the present case, no such application is filed within a period of three years.

4. Though the learned counsel for the petitioner orally states that the application was submitted within three years, such submission is not trusted upon in the absence of any proof to that effect.

5. Under these circumstances, the belated application submitted by the petitioner after a lapse of 7 years from the date of the death of the deceased employee cannot be entertained as rightly done by the respondent. Hence, this writ petition is devoid of merits and accordingly, the writ petition stands dismissed.

Sd/-

Assistant Registrar (T&P)

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/ /2022

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Virudhunagar District.

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Department of Medical Rural Health Services &
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District Family Welfare Bureau,
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+1 CC to M/s.SPL GP (SR-4756[F] dated 08/02/2022)

+1 CC to M/s.P.GOKULNAATH, Advocate (SR-4826[F] dated 08/02/2022)

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