



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.3779 of 2019

M.Aruna

... Petitioner

Vs .

1.The District Collector,
Collectorate Buildings,
Tirunelveli District.

2.The District Educational Officer,
Tirunelveli District,
Tirunelveli.

3.The Block Development Officer,
Ambasamudram Panchayat Union,
Tirunelveli District.

... Respondents

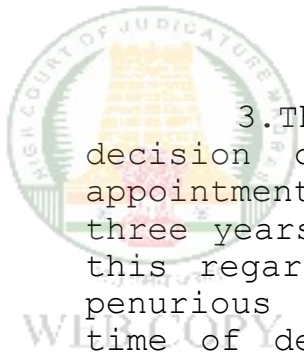
PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 19.07.2018 passed in ந.க.எண்.ந 9/28776/2018 by the first respondent herein and quash the same and consequently directing the respondent Nos.1 to 3 to provide the job to the petitioner under the ground of compassionate appointment.

For Petitioner	: Mr.A.Sankararamasubramanian, Advocate
For Respondents	: Mr.G.V.Vairam Santhosh Additional Government Pleader

O R D E R

The order impugned, dated 19.07.2018 rejecting the application on the ground that the petitioner submitted the application for appointment on compassionate ground beyond the period of three years, is under challenge in the present writ petition.

2.The petitioner states that her family suffered financial crisis. She has submitted an application seeking appointment on compassionate ground on 18.04.2018 to the respondents. Admittedly, the said application was filed after a lapse of about 6 years. Thus, the competent authority rejected the application on the ground that it was submitted beyond the period of three years and therefore, the application itself cannot be taken into consideration for securitization on merits.



3.The rejection of application is made based on the policy decision of the Government under the scheme of compassionate appointment. Once an application is submitted beyond the period of three years, then such application is to be rejected *in limine*. In this regard, it is to be construed that the family which was in penurious circumstances during the relevant point of time at the time of death of the employee had not submitted an application. Thus, after a lapse of many years, such application need not be considered, as compassionate appointment can never be claimed as a matter of right and it is a concession. Compassionate appointment is not the regular appointment. Therefore, the order of rejection of application is not perverse and thus, the writ petition is devoid of merits.

4.Accordingly, the writ petition stands dismissed. No order as to costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

- 1.The District Collector,
Collectorate Buildings,
Tirunelveli District.
- 2.The District Educational Officer,
Tirunelveli District,
Tirunelveli.
- 3.The Block Development Officer,
Ambasamudram Panchayat Union,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-4758[F] dated 08/02/2022)

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RS (21.02.2022) 2P-5C