



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.4094 of 2019

WEB COPY

S.P.Raja

... Petitioner

Vs.

1.The Additional Chief Secretary,
Government of TamilNadu,
Secretariat,
St.George Fort,
Chennai.

2.The Director General of Police,
O/o. Director General of Police,
Mylapur,
Chennai-4.

3.The Inspector General of Police,
South Zone,
Thallakulam,
Madurai.

4.The Superintendent of Police,
Theni District,
Theni.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records in connection with the impugned order of the 4th respondent by dated 05/06/2018 in Na.Ka.No.A4 / 17516 / 297 / 2018 , quash the same as illegal and consequently directing the respondents herein to provide appointment to the petitioner on compassionate ground forthwith.

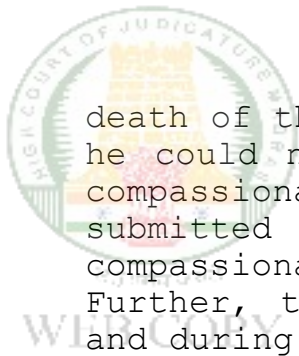
For Petitioner : Mr.D.Anbarasu

For Respondents : Mr.A.K.Manickam,
Special Government Pleader

ORDER

The order of rejection rejecting the claim of the writ petitioner for compassionate appointment is under challenge in the present writ petition.

2.The petitioner states that his father Late S.Paramasivam was working as Grade-I Head Constable at Theni District Police Office and died on 03.02.2001, while he was in service. At the time of



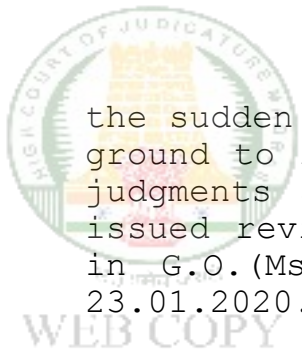
death of the father of the petitioner, he was a minor and therefore, he could not able to submit an application seeking appointment on compassionate ground. Subsequently, the mother of the petitioner submitted an application to the fourth respondent for providing compassionate appointment. However, the application was rejected. Further, the petitioner states that his father died on 03.02.2018 and during the relevant point of time, he was a minor and subsequent application filed by himself was also rejected.

3.The learned Special Government Pleader objected the contention of the petitioner by stating that the application was rejected mainly on the ground that the mother of the writ petitioner was working in Anganwadi Centre in Social Welfare Department and any of the legal heirs of the deceased employee is employed in any Government Department or in any private service, the legal heirs of the deceased employee are not eligible for compassionate appointment. This being the terms and conditions of the compassionate appointment, the claim of the writ petitioner was rejected.

4.In the present case, the father of the writ petitioner died in the year 2012 and the legal heirs of the deceased employee has not pursued the issue for several years. The order of rejection was passed in the year 2018 mainly on the ground that the wife of the deceased employee is working in Anganwadi Centre in Social Welfare Department and therefore, as per the terms and conditions of the scheme of compassionate appointment, the family of the writ petitioner is not entitled for compassionate appointment.

5.The scheme of compassionate appointment was introduced to mitigate the circumstances arising on account of sudden demise of the Government Employee. Compassionate appointment is not a regular appointment, nor an appointment under the constitutional scheme. It is a concession granted to the Government employees on certain exceptional circumstances. Thus, the compassionate appointment can never be claimed as a matter of right and only if a person is entitled under the terms and conditions, then alone the scheme can be extended, but not otherwise. Equal opportunity in public employment is a constitutional mandate. All appointments are to be made in accordance with the rules and by providing equal opportunity to participate in the process of selection.

6. As far as the compassionate appointments are concerned, no selection is conducted, no suitability or eligibility are tested, but persons are appointed merely based on death of an employee. Therefore, compassionate appointment is to be restricted in the interest of the efficient public administration. No doubt, the Government has also restricted the compassionate appointments and it is to be extended only to the deserving family and more so, after a lapse of many years. Providing compassionate appointment after a lapse of many years would not only defeat the purpose and object of the scheme, but also the penurious circumstances arose on account of



the sudden death became vanished. Thus, the lapse of time is also a ground to reject the claim for compassionate appointment. Number of judgments are delivered by this Court and the Government has also issued revised instructions for providing compassionate appointment in G.O.(Ms) No.18, Labour and Employment (Q1) Department, dated 23.01.2020.

7.With these observations, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

- 1.The Additional Chief Secretary,
Government of TamilNadu,
Secretariat, St.George Fort, Chennai.
 - 2.The Director General of Police,
O/o. Director General of Police,
Mylapur, Chennai-4.
 - 3.The Inspector General of Police,
South Zone,
Thallakulam, Madurai.
 - 4.The Superintendent of Police,
Theni District, Theni.
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1 CC to M/s.SPL.GP (SR-22351[F] dated 28/04/2022)

ORDER MADE IN
W.P. (MD)No.4094 of 2019
27.04.2022

SA(01.06.2022) 3P 7C