



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

**W.P. (MD) No. 12738 of 2021 and
W.M.P. (MD) No. 9923 of 2021**

Kaleeswaran

... Petitioner

Vs.

1. The Commissioner of Revenue Administration,
Chepauk,
Chennai.

2. The District Collector,
Sivagangai,
Sivagangai.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for entire records relating to the impugned proceedings in Na.Ka.A8/6576/2020 dated 19.05.2021 issued by the second respondent and quash the same as illegal and consequently direct the respondents herein to provide the petitioner a suitable employment on compassionate grounds on account of death of father of the petitioner Mr.Marimuthu.

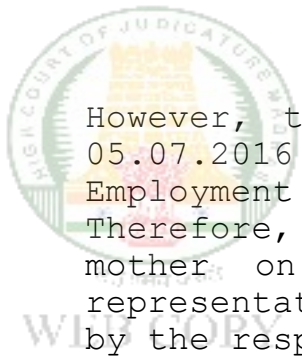
For Petitioner : Mr.V.R.Shanmuganathan

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

O R D E R

The order of rejection dated 19.05.2021 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 one Marimuthu was working as Village Assistant and died on 15.06.2009, while he was in service. The mother of the writ petitioner submitted an application on 11.07.2011 to provide appointment to her elder son one Sakthiselvan. When the application was pending, the mother also died on 28.12.2012. But, the application was processed by the Department to provide employment to the elder son of the deceased employee.



However, the elder son submitted a letter to the Authorities on 05.07.2016 stating that he got employment through District Employment Exchange in Tamil Nadu State Transport Corporation. Therefore, he has chosen to withdraw the application filed by his mother on 11.07.2011. Thereafter, the petitioner submitted a representation nil dated. However, the said application was rejected by the respondents setting out all the above facts.

3. This Court is of the considered opinion that the application submitted within a period of three years from the date of death of the deceased employee was considered by the respondents. In the meanwhile, the elder son of the deceased employee got employment through District Employment Exchange in Tamil Nadu State Transport Corporation. Therefore, the next legal heir is not eligible to claim appointment on compassionate ground in view of the terms and conditions of the scheme of compassionate appointment. Thus, the petitioner has not established any acceptable ground for the purpose of considering the relief and the order impugned is in consonance with the terms and conditions of the scheme.

4. Accordingly, this Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar(CS)

Vji

To

1. The Commissioner of Revenue Administration,
Chepauk, Chennai.

2. The District Collector,
Sivagangai, Sivagangai.

+1 CC to M/s.SPL GP (SR-11143[F] dated 10/03/2022)

W.P. (MD) No. 12738 of 2021 and

W.M.P. (MD) No. 9923 of 2021

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RD(31.03.2022) 2P 4C