



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2022

CORAM

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No. 8274 of 2019

and

W.M.P. (MD) No. 6493 of 2019

WEB COPY

Rajasubulakshmi

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its Principal Secretary,
Home Department,
Fort St. George,
Chennai - 600 009.

2. The Director General of Police,
Mylapur,
Chennai - 600 004.

3. The Superintendent of Police,
Tirunelveli - 627 001.

4. The Principal District Judge,
Tirunelveli - 627 001.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records from the second respondent relating to the impugned order in R.C. No.229340/CA2/2015 dated 09.03.2015 of the second respondent and quash the same and direct the respondents to transfer the petitioner's job under compassionate grounds to the petitioner's son, Arivalagan in any one of the vacant posts or in the office of the third respondent.

For Petitioner : Mr.R.Krishnan

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

O R D E R

The order dated 09.03.2015, which is impugned in the Writ Petition states that due to death of the husband of the writ petitioner while he was in service, the scheme of appointment on compassionate ground was extended to the petitioner. In other words, based on the application submitted by the writ petitioner, she was offered an appointment on compassionate ground. However, the



petitioner declined to accept the compassionate appointment and thereafter, submitted another application after a lapse of twelve years on behalf of her son. Thus, the authorities competent rejected the application.

2. The fact remains that the petitioner soon after the death of the husband on 07.05.2003 submitted an application for compassionate appointment in the year 2004. The application was considered by the authorities and offer of appointment was made. The offer was not accepted by the petitioner and thereafter, she has not taken any action. However, after a lapse of twelve years from the date of death of the husband of the writ petitioner, she filed another application for the purpose of securing appointment to her son. Compassionate appointment cannot be utilized for the purpose of securing one employment to the family of one died employee. The scheme of compassionate appointment is to be implemented not to provide appointment to the family of the deceased employee which is provided with a specific purpose to mitigate the circumstances arising on account of sudden death of the employee while in service. Therefore the penurious circumstances, eligibility and the conditions stipulated under the scheme are to be scrupulously followed. In the present case, the offer provided to the petitioner was not availed by her. Contrarily, she submitted second application after a lapse of twelve years from the date of death of the husband of the writ petitioner. Thus, the petitioner has not made out any acceptable ground for the purpose of considering the relief.

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

Sd/-

Assistant Registrar (CS III)

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/ /2022

Sub Assistant Registrar(CS)

vji

To

1. The Principal Secretary,
The Government of Tamil Nadu,
Home Department,
Fort St.George,
Chennai - 600 009.



2. The Director General of Police,
Mylapur,
Chennai - 600 004.

3. The Superintendent of Police,
Tirunelveli - 627 001.

4. The Principal District Judge,
Tirunelveli - 627 001.

+1 CC to M/s.R.KRISHNAN, Advocate (SR-4636[F] dated 07/02/2022)

+1 CC to M/s.SPL GP (SR-4805[F] dated 08/02/2022)

**W.P. (MD) No. 8274 of 2019
and**

**W.M.P. (MD) No. 6493 of 2019
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MGJ(22.02.2022) 3P 7C