



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. 9453 of 2019

C.Subha ... Petitioner
Vs.

1. The Director,
Land Survey and Settlement Scheme,
Chennai - 600 005.
2. The Assistant Director of Survey and Land Records,
District Land Survey Office,
Tirunelveli. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records in Na.Ka.A1.4432-2018 dated 01.11.2018 on the file of the second respondent and quash the same, consequently directing the respondents to consider the petitioner for appointment on compassionate ground to any suitable post with reference to her qualification.

For Petitioner : Mr.S.Kumar

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

O R D E R

The order impugned dated 01.11.2018 states that the father of the writ petitioner who was in Government Service died on 09.08.2002 and the application seeking compassionate appointment was filed by the writ petitioner on 14.08.2018 after a lapse of 16 years from the date of the death of the deceased employee.

2. The very purpose of scheme of compassionate appointment is to mitigate the circumstances arising out of the sudden death of the Government employee. When an application itself was submitted after a lapse of 16 years from the date of death of the deceased employee, then the factual infringement is to be drawn by the Court that the penurious circumstances if at all arose became vanished on account



of efflux of time. Thus the scheme cannot be expanded, so as to cover the ineligible persons thereby defeating the very purpose and object of the scheme. In the present case, admittedly, the employee died on 09.08.2002 and the mother of the petitioner submitted an application for settlement of terminal benefits which was settled. Thereafter, there was a family dispute as the deceased employee was having two wives. The delay in settling the family dispute cannot be a ground to extend the scheme of compassionate appointment in favour of the writ petitioner. However, the application was submitted after a lapse of 16 years and the petitioner is not entitled to avail the benefits of the scheme and thus, the order of rejection is not infirmed and thus in order.

3. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AD II)

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Sub Assistant Registrar(CS)

vji

To

1. The Director,
Land Survey and Settlement Scheme,
Chennai - 600 005.
2. The Assistant Director of Survey and Land Records,
District Land Survey Office,
Tirunelveli.

+1 CC to M/s.S.KUMAR, Advocate (SR-4712[F] dated 08/02/2022)

+1 CC to M/s.SPL.GP (SR-4992[F] dated 09/02/2022)

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MGJ(18.02.2022) 2P 5C