



W.A.(MD)No.858 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.A(MD)No.858 of 2022

Tamilarasan

... Appellant

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments
Department,
No.119, Uttamar Gandhi Salai,
Nungambakkam, Chennai – 600 008.

2.The Assistant Commissioner /
Executive Officer,
Arulmigu Thiruvarekkadu Karumariamman Kovil,
Thiruvarekkadu, Chennai.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent to set aside the order of this Court, dated 23.02.2022 passed in W.P(MD)No. 5602 of 2020.

For Appellant	:Mr.C.Ganesh Kumar
For R1	:Mr.M.Lingadurai
	Spical Government Pleader
For R2	:Mr.V.R.Shanmuganathan



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JUDGMENT

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(Judgment of the Court was delivered by **S.S.SUNDAR, J.**)

This Writ Appeal is directed against the order passed by the learned Single Judge dismissing the Writ Petition filed by the appellant in W.P(MD)No.5602 of 2020.

2.Heard Mr.C.Ganesh Kumar, learned Counsel for the appellant, Mr.M.Linga Durai, learned Special Government Pleader, who takes notice on behalf of first respondent and Mr.V.R.Shanmuganathan, learned Counsel, who takes notice on behalf of second respondent. By consent of all parties, the present Writ Appeal is taken up for final disposal at admission stage.

Brief facts that are necessary for the disposal of this Writ

Appeal are as follows:

3.In this case admittedly, the appellant's father died on 03.03.2005, while he was in service. The appellant submitted an application seeking employment on compassionate ground only on 15.03.2016. The said application was rejected by an order, dated 30.09.2019. Challenging the same, the appellant filed a Writ Petition in Writ Petition in W.P.(MD)No.5602 of 2020.



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4.Learned Singe Judge has rightly dismissed the Writ Petition on the ground that the application filed by the Writ Petitioner 11 years later and the contention of the Writ Petitioner to give employment on compassionate ground after 17 years from the date of death of the deceased employee is not sustainable. Challenging the same, the above Writ Appeal is filed.

5.This Court has disposed of several batch of cases following the judgment of Full Bench of this Court in ***A.Kamatchi Vs. The Chairman, Tamil Nadu Electricity Board, (2013) 2 CWC 758***, wherein, it has been held that appointment on compassionate ground has to be strictly followed in accordance with the relevant rule or scheme that has been framed by the employer. Any deviation from the scheme is held not permissible by the Full Bench of this Court. An application seeking compassionate appointment has to be filed within a period of three years as per the scheme.

6.This Court also in a Writ Appeal in the case of ***Deepika vs the District Collector***, in ***W.A.(MD)No.682 of 2022***, dated 08.07.2022, has followed the judgment of Full Bench of this Court above referred to and reiterated the same proposition even in respect of a case



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where a belated application was filed by a minor dependent after attaining majority.

7.In these background, this Court do not find any merit in this Writ Appeal, hence, dismissed. No costs.

[S.S.S.R., J.] [S.S.Y., J.]
12.08.2022

Index : Yes / No

cmr

To

The Commissioner,
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