



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.19226 of 2020

S.Avudaiammal

... Petitioner

-vs-

1.The State of Tamil Nadu,
Rep by its Secretary,
Health Department,
Secretariat, Chennai.

2.The Director,
Health and Rural Welfare Department,
Chennai - 600 006.

3.The District Collector,
Tirunelveli, Tirunelveli District.

4.The Deputy Director (Health),
Sankarankovil, Tirunelveli District.

5.Tamil Nadu Public Service Commission,
Rep., by its Secretary,
Frazer Bridge Roadm, V.O.C.Nagar,
Park Town, Chennai - 600003.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the 4th respondent in his proceedings Na.Ka.No.2524/A1/2017 dated 22.04.2019 and quash the same and direct the respondents to appoint the petitioner on compassionate ground and confer all the consequential benefits.

For Petitioner : K. HEMAKARTHIKEYAN

For RR1 to 4 : Mr.D.Sadiq Raja,
Additional Government Pleader

For R5 : Mr.J.Anand Kumar

**ORDER**

The order impugned dated 22.04.2019, rejecting the claim of the writ petitioner for Compassionate Appointment, is under challenge in the present writ petition.

WEB COPY

2.The case of the petitioner is that her husband G.Selvachandra Sekaran was employed as Junior Assistant on temporary basis for a consolidated salary of Rs.4,000/- per month and died on 27.12.2009. The petitioner submitted application seeking compassionate appointment within a period of three years. However, the 4th respondent rejected the same on the ground that the husband of the writ petitioner was working as temporary employee on contract basis for a consolidated pay. Therefore, the benefit of the scheme cannot be extended.

3.This Court is of the considered opinion that the scheme of compassionate appointment being an exception cannot be extended by the Courts. Compassionate appointment scheme is violative of Articles 14 and 16 of the Constitution of India. Thus, the scheme is to be implemented in a restricted manner and in accordance with the terms and conditions so as to ensure that all public employments are made under the constitutional scheme and in accordance with the Recruitment Rules in force. Equal opportunity in public employment being a mandate, all appointments are to be made through open competitive process and by affording opportunity to all the eligible persons who all are aspiring to secure public employment by participating in the open competitive process. This being the constitutional mandates, such special schemes in force for the welfare of the employees are to be restricted only to the deserving case in accordance with the terms and conditions. The indigent circumstances, eligibility and other criteria fixed in the scheme are to be scrupulously followed by the authorities.

4.In the present case, the husband of the writ petitioner was employed as a temporary contract labourer and on consolidated pay salary and therefore, the scheme cannot be extended to the writ petitioner. Thus, this Court finds that there is no infirmity as such in the impugned order and the writ petition is liable to be dismissed.

5.Accordingly, this Writ Petition is dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

- 1.The Secretary to Government,
The State of Tamil Nadu,
Health Department,
Secretariat, Chennai.
- 2.The Director,
Health and Rural Welfare Department,
Chennai - 600 006.
- 3.The District Collector,
Tirunelveli, Tirunelveli District.
- 4.The Deputy Director (Health),
Sankarankovil, Tirunelveli District.
- 5.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Roadm, V.O.C.Nagar,
Park Town, Chennai - 600003.

+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-9566[F] dated 02/03/2022)

+1 CC to M/s.SPL GP (SR-9700[F] dated 03/03/2022)

+1 CC to M/s.K.HEMAKARTHIKEYAN, Advocate (SR-10071[F] dated
04/03/2022)

ORDER MADE IN
W.P.(MD) No.19226 of 2020
02.03.2022

KVL/12.03.2022/3P/9C