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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:**12.01.2022**

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.(MD).No.3570 of 2018
and
W.M.P.(MD).Nos.3702 of 2018 and 5899 of 2019

V.Parameswari ... Petitioner

vs.

1.The Director General of Police,
Mylapore,
Chennai -9.

2.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

3.The Sub Inspector of Police,
South Tamaraikulam Police Station,
Kanyakumari District. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the order passed by the second respondent vide Na.Ka.No.A2/32091/2017, dated 07.11.2017, quash the same and consequently directing the respondents to appoint the petitioner's son P.Maheswaran on compassionate ground in any suitable post.

For Petitioner : Mr.C.T.Perumal
For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

O R D E R

Heard Mr.C.T.Perumal, learned counsel for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents.

2. The petitioner challenges an order dated 07.11.2017, rejecting the request of the petitioner made on 18.07.2017, seeking compassionate appointment for her son in place of her husband, one S.Paulthurai, who had been employed as Head Constable in R3 Police Station, and who had passed away in harness, on 04.11.2003.

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3. Pursuant to the demise of the petitioner's husband, application dated 19.12.2003, had been filed by the petitioner seeking compassionate appointment for her daughter viz., P.Subashini. Though the petitioner's case is that there was no response to the aforesaid application from the respondents, Mr.D.Sadiq Raja, learned Additional Government Pleader circulates two communications dated 07.10.2004 and 04.06.2005 from the daughter of the petitioner and addressed to the respondents, seeking time to produce documents that had been called for by the respondents in support of the application for her appointment on compassionate basis.

4. On 27.08.2005, the petitioner has made a representation to the respondents stating that since her daughter had enrolled for a Bachelors degree in Engineering, she does not pursue the request for her compassionate appointment, but instead, requests compassionate appointment for her son.

5. This was followed by an application filed on 15.02.2006, seeking compassionate appointment for her son, P.Maheswaran. This application could not be considered positively, in light of the stipulation in G.O.(Ms.)No.18 dated 23.01.2020, to the effect that an applicant for compassionate appointment must be at the least, 18 years at the time of the making of the application.

6. Admittedly, Maheswaran, at that time, was only 16 years. Unfortunately, no order appears to have been passed by the respondents, in response to application dated 15.02.2006. The petitioner was also quiet till 18.07.2017, when she has revived her requests for compassionate appointment either for her son or daughter. This request has come to be rejected by the impugned order dated 07.11.2017, the reasoning adduced being that the application in the case of the daughter had not been pursued by the petitioner and that the application for the son, had been invalidated by virtue of the age bar.

7. In light of the discussion as above, I see no reason to intervene in the impugned order. Admittedly, the petitioner has not pursued the application for compassionate appointment of her daughter for reasons as stated by her in her letter dated 27.08.2005. Also admittedly, the requisite documents in support of the daughter's application have also not been filed despite the respondents having sought the same.

8. As regards the son, his application was clearly invalid at the time when it was made. Moreover, the fact that the petitioner has revived her requests nearly 15 years after the date of demise of her husband would also indicate a half hearted approach on the part of the petitioner, one that is hit by significant laches.

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9. For the above reasons, the impugned order is confirmed and this Writ Petition, dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Director General of Police,
Mylapore,
Chennai -9.

2.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

3.The Sub Inspector of Police,
South Tamaraikulam Police Station,
Kanyakumari District.

+1 CC to M/s.C.T.PERUMAL, Advocate (SR-1643[F] dated 19/01/2022)

+1 CC to M/s.SPL.GP (SR-1702[F] dated 19/01/2022)

W.P.(MD)No.3570 of 2018
12.01.2022

SP(CO)
KB(01.02.2022) 3P 6C

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