



W.A(MD)No.847 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

and

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.A(MD)No.847 of 2018

Mr.S.Sridar

.. Appellant/Writ Petitioner

Vs.

1.The Commissioner,
The Commissioner of Treasuries and Accounts
Chennai.

2.The Treasury Officer,
District Treasury Office,
Ramanathapuram District.

..Respondents/ Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 13.02.2018 passed in W.P(MD)No.3706 of 2011 by this Court.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.S.P.Maharajan
Special Government Pleader



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JUDGMENT

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

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This writ appeal is directed against the order of the learned single Judge dated 13.02.2018 in W.P(MD)No.3706 of 2011, dismissing the writ petition filed by the writ petitioner.

2.Heard Mr.T.Lajapathi Roy, learned counsel appearing for the appellant and Mr.S.P.Maharajan, learned Special Government Pleader appearing for the respondents.

3.The brief facts that are necessary for disposal of the writ appeal are as follows. The appellant's biological father viz., A.R.Santhanam died on 11.09.1980, while in service and hence, the appellant's mother by name K.L.Praba, was appointed as Junior Assistant in the second respondent office on compassionate ground. It is admitted that the appellant's mother got remarried one Alagarsamy. However, when the appellant's mother was in service, she died on 21.08.2005 leaving behind her second husband viz., Alagarsamy, the appellant and two other daughters. The appellant submitted an application on 21.09.2005 seeking compassionate appointment and few representations were also submitted on 24.05.2009 and 27.05.2009. Thereafter, the appellants submitted an application under the Right To Information Act, as



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he wanted to know about the stage of his application. By communication, dated 14.06.2010, the second respondent informed the appellant that he is not eligible to seek compassionate appointment, as per the classification issued vide letter of Govt., dated 26.03.2010. This communication dated 14.06.2010 is challenged in the writ petition. After referring to several precedents on the object of providing compassionate appointment, the writ petition was dismissed by the learned Single Judge.

4.The question is whether the appellant, who is the son of Mr.A.R.Santhanam, is eligible to get appointment on compassionate ground after the death of his mother, who was earlier appointed on compassionate ground following the death of her husband on 11.09.1980.

5.The scope and object of providing compassionate appointment is to mitigate the indigent circumstances of the family of the deceased Government Employee. The appellant was a minor at the time of his father's death. His mother got employment on compassionate ground immediately following the death of the appellant's father viz., Santhanam. Even though the appellant's mother is not eligible to get appointment because of her remarriage, it is stated that she was allowed to continue in service till her death, as the department did



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not know about the status of the appellant's mother's remarriage.

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6.The issue whether the appellant is entitled to get appointment on compassionate ground should be decided only on the basis of the scheme.

7.The entitlement of the appellant to get compassionate appointment after the death of his mother, who was also appointed on compassionate ground is not covered by any scheme. Admittedly the appellant's mother had availed the opportunity of getting compassionate appointment following the death of her husband/the appellant's father. Appellant being another heir of the deceased father cannot get employment on compassionate ground after the death of his mother, once again, as this would amount to provide multiple employments, on compassionate ground, in the same family to one after another. The petitioner's claim is liable to be rejected on the ground alone. The mother of the appellant has served considerable period when she died on 21.08.2005. The appellant was 29 years when his mother died. The petitioner is unable to secure employment is a disturbing fact. In our country while growing unemployment is a problem, it is an astonishing misery that the percentage of job seekers(percentage of persons who are looking for job among the unemployed) is declining. If the appellant is unable to secure a job with his qualification and



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experience he gained till he filed the writ petition in 2011, the real concern is about the efficiency in the administration by providing compassionate appointment to the appellant at this age.

8.In such circumstances, this Court is unable to interfere with the order of the learned Single Judge, who dismissed the writ petition after considering the case on merits by a lengthy process of reasoning in the light of several precedents. Hence, the writ appeal stands dismissed. No costs.

(S.S.S.R.J.) (S.S.Y.J.)
02.08.2022

Index : Yes / No

Internet: yes / No

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