



WEB COPY

W.P.(MD) No.24878 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.24878 of 2019

and

W.M.P. (MD) No.21488 of 2019

K.Arunkumar

... Petitioner

vs.

1.The Director of Medical and Rural Health Service
O/o.The Director of Medical and Rural Health Service
Chennai-600 006

2.The Joint Director of Health Service
O/o.The Joint Director of Health Service
Ramanathapuram

3.The Chief Medical Officer
Government Hospital
Paramakudi
Ramanathapuram District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records pertaining to the impugned order passed by the first respondent vide Na.Ka.No.9395/Ni.Pi5/1/2016, dated 06.05.2019 and consequential impugned order passed by the second respondent vide Na.Ka.No.9276/Ni.2/2016, dated 16.07.2019 and quash the same and consequently direct the respondents to provide suitable employment opportunity to the petitioner on compassionate ground.

For Petitioner : Mr.D.Shanmugaraja Sethupathi, Advocate
For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

O R D E R

The rejection of the petitioner's claim for compassionate appointment by the respondents is under challenge in this writ petition.

2.The father of the petitioner Karthigairaj was working as Hospital Worker in Paramakudi Government Hospital, Ramanathapuram District and he died on 26.04.2009, while he was in service. Soon after the death of the petitioner's father, his family was in indigent circumstances. The petitioner's mother submitted application on 03.06.2010 seeking appointment on compassionate grounds and during pendency of the said application, the petitioner submitted an application on 18.08.2018 seeking appointment on

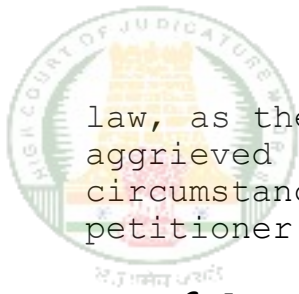


compassionate grounds and the same was rejected on the ground that the application submitted by the petitioner's mother is pending consideration.

3.The learned counsel appearing for the petitioner strenuously contended that the application dated 03.06.2010 submitted by the petitioner's mother was kept pending by the Authorities for about eight years without any valid reason. Such an inaction on the part of the Authority concerned is also responsible for denial of appointment on compassionate grounds to the petitioner. Therefore, the case of the petitioner is to be considered. Furthermore, the petitioner's mother became over-aged and ineligible to secure appointment under the Rules in force. Under those circumstances, the petitioner submitted application in the year 2018 for appointment on compassionate grounds. Thus, the facts as a whole are to be considered for the purpose of granting the relief sought for in this writ petition.

4.The learned Additional Government Pleader appearing for the respondents objected the said contentions by stating that the application submitted by the petitioner was taken into consideration and during the relevant point of time, when vacancy arose, her case was about to be considered, however, she was over-aged by that time. Hence, the petitioner submitted application. Thus, the second application by the son is impermissible and furthermore, it was submitted after a lapse of nine years from the date of death of the deceased employee. On these two grounds, the application submitted by the petitioner was rejected by the respondents.

5.This Court is of the considered opinion that the petitioner raises a question as to why the responsible officials have not acted upon during the relevant point of time. Equally, it is to be noted that, the mother of the petitioner, who is the aggrieved person, has also failed to initiate action to redress her grievance during the relevant point of time. An aggrieved person, who slept over his / her rights cannot wake up one fine morning and knock at the doors of the Courts. The grievance of the aggrieved person is expected to be redressed within a reasonable period of time. No doubt, there is a delay on the part of the officials, however, such a delay would not confer any right on a person for securing appointment on compassionate grounds after a lapse of several years. Thus, the blame game between the parties is of no avail and the facts established and the principles to be adopted are to be considered by the Courts for the purpose of granting the relief of appointment on compassionate grounds. Therefore, there is no doubt, in our country there are administrative delays on account of various factors, such as, escalation in population and lack of facilities in administrative sectors or lack of manpower all contributes for the delay. However, it is pertinent to note that the aggrieved person is expected to approach the Authorities concerned or the Courts of



law, as the case may be, without causing any delay and it is for the aggrieved person to redress his / her grievance. Under these circumstances, merely blaming the Authority concerned, the petitioner cannot seek remedy, more specifically, for appointment.

6.As far as the facts in the present case are concerned, the father of the petitioner died in the year 2009 and his mother became ineligible to get appointment. Thus, the application submitted by the petitioner in the year 2018 cannot be considered, after a lapse of nine years from the date of the death of the deceased employee. Therefore, this Court does not find any infirmity or illegality in the reasons furnished by the respondents in the impugned orders and the writ petition is liable to be dismissed.

7.Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P & A)

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/ /2022

Sub Assistant Registrar(CS)

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To:

1.The Director of Medical and Rural Health Service,
O/o.The Director of Medical and Rural Health Service,
Chennai-600 006.

2.The Joint Director of Health Service,
O/o.The Joint Director of Health Service,
Ramanathapuram.

3.The Chief Medical Officer,
Government Hospital,
Paramakudi,
Ramanathapuram District.

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-4688[F] dated 08/02/2022)

+1 CC to M/s.SPL GP (SR-4811[F] dated 08/02/2022)

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RS (17.02.2022) 3P-6C

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