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W.P.No.12291 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2023

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.12291 of 2012

N.Sathyannarayanan

... Petitioner

-VS-

The Director,
The Directorate of Stationery and Printing,
No.110, Anna Salai,
Chennai – 600 002.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the concerned records relating to the order no.B1/4164/11 dated 05.09.2011 passed by the respondent and quash the same and consequently direct the respondent to appoint the petitioner on compassionate ground to any suitable post to which he is qualified which found eligible and give him of and other service benefits.

For Petitioner : No appearance

For Respondent : Mr.G.Ameedius,
Government Advocate



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ORDER

This Writ Petition has been filed questioning the Order No. B1/4164/11 dated 05.09.2011 passed by the respondents, rejecting the claim of the petitioner for compassionate appointment consequent upon the death of his father in the year 1999.

2. It is a case that the petitioner's father, while working as Office Assistant in the office of the respondents, died on 30.04.1999 and his mother also died on 28.04.2006 and during her lifetime, she made an application, for compassionate appointment. After the death of his mother, the petitioner also submitted an application on 03.04.2000 requesting for compassionate appointment, but the said request was rejected by the respondents by passing the impugned order dated 05.09.2011 on the ground that the mother of the petitioner is also no more and all the legal heirs of the deceased employee are all married and living with their separate families. It is also stated that in terms of G.O (Ms) No.42, Labour and Employment Department dated 12.03.2007, the family of the deceased employee is not in an indigent circumstances and therefore, request for compassionate appointment cannot



be considered.

3. From the perusal of the material on record, it is noticed that the father of the petitioner died in the year 1999. The application said to have been submitted by the petitioner in the year 2000 is pending till the year 2011 i.e., till the passing of the impugned order dated 05.09.2011. Thus, more than a decade, the petitioner has kept quite without taking any legal recourse against the respondents for non-consideration of his application for compassionate appointment.

4. No doubt till the year 2006, when the mother of the petitioner died, there is some justification for seeking compassionate appointment as the mother of the petitioner was a dependant of the deceased father of the petitioner. But after the demise of the mother of the petitioner, whether the petitioner herein is dependant of his deceased father or not is a matter that is required to be considered by the respondents, while considering the application for compassionate appointment. The same was stated to have been considered by the respondents and on having found that the petitioner and his other brothers were already married and living separately, have come to a conclusion that the family of the deceased employee is not



an indigent circumstance and therefore, the application of the petitioner for compassionate appointment was rejected.

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5. As against the specific stand of the respondents in the impugned order, the petitioner failed to place any material before this Court to show that the petitioner herein is dependent on the deceased employee. Further, in paragraph 8 of the counter affidavit, the respondents have categorically stated that on being enquired with the petitioner, the petitioner himself stated that all the three male legal heirs of the deceased employee, including the petitioner are working and leading separate families on their own.

6. The paragraph 8 of the counter affidavit reads as under:-

“8. It is submitted that an oral inquiry was conducted with the petitioner herein to ascertain the indigent circumstances of the family. On the oral enquiry with petitioner conducted on 17.08.2011 it was informed by the petitioner that all the three male legal heirs of the petitioner's father including the petitioner are working, married and leading separate independent families on their own. In view of the above, it was concluded by the respondent that the family of the



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petitioner was not in an indigent condition for proving appointment on compassionate grounds. Hence the 2nd respondent by the order dated 05.09.2011 issued in Memorandum B.1/4164/2011 rejected the claim of the petitioner.”

As against the specific stand taken by the respondents in the impugned order as well as in the counter affidavit, neither any rejoinder is filed nor any material is placed before this Court to contradict the said averments. Unless the stand of the respondents for passing the impugned order is displaced by duly placing the materials before this Court, no relief can be granted to the petitioner and this Court also does not find any error or illegality in the impugned order passed by the respondent. Further taking into consideration that the father of the petitioner herein passed away as early as in the year 1999 and more than 2 decades have lapsed since the death of the father of the petitioner, this Court is of the considered view that no relief can be granted in favour of the petitioner at this length of time.

7. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Miscellaneous Petitions, if any, shall stand closed.



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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



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To

The Director,
The Directorate of Stationery and Printing,
No.110, Anna Salai, Chennai – 600 002.



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MUMMINENI SUDHEER KUMAR, J.

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