



Writ Petition No.2138 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 30.01.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**Writ Petition No.2138 of 2023**

V.Kalaichitra

D/o.Late V.Venkatraman

... Petitioner

Vs.

1.The Chief Executive Secretary,  
Tamil Nadu Khadi and Village Industries Board,  
'Kuralagam Building', 5th Floor,  
No.9, Esplanade Road, Esplanade,  
Chennai - 600 018.

2.The District Collector,  
Office of the Collectorate,  
Tirupur.

3.The District Collector,  
Office of the Collectorate,  
Erode.

4.Assistant Director,  
Tamil Nadu Khadi and Village Industries Board,  
18 - Avinashi Road,  
Tirupur - 641 603.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 01.11.2019 of the first



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respondent as null and void and consequently, direct the respondents to appoint her in suitable post on compassionate ground.

For Petitioner : Mr.K.Lavan

For Respondents : Mrs.Indhumathi,  
Government Advocate

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### **ORDER**

This writ petition has been filed challenging the impugned letter dated 01.11.2019 issued by the first respondent and for a consequential direction to the respondents to appoint the petitioner in a suitable post on compassionate grounds.

2. The case of the petitioner is that her father was working as Assistant Manager in the Tamil Nadu Khadi and Village Industries Board. He died on 21.12.1988 and at that point of time, the petitioner was aged about 11 years. The petitioner attained majority in the year 1995 and she submitted a petition to the respondents seeking for compassionate appointment. Since there was no progress in considering his application, the petitioner was knocking the doors of the appropriate authorities by submitting representations and by giving them the



necessary particulars sought for. Ultimately, the first respondent through the impugned letter dated 01.11.2019, rejected the claim made by the petitioner on the ground that the petitioner did not submit application within three years from the date of the demise of her father and that the petition itself has been submitted nearly after 14 years from the date on which the father of the petitioner died in harness. Aggrieved by the same, the present writ petition has been filed before this Court seeking for appropriate directions.

3. Heard Mr.K.Lavan, learned counsel for the petitioner and Mrs.Indhumathi, learned Government Advocate, appearing for the respondents.

4. The main ground on which the first respondent has rejected the claim made by the petitioner for compassionate appointment is that the application seeking for compassionate appointment was not made within a period of three years from the date of demise of the father of the petitioner and it was made only after 14 years.



5. Learned counsel for the petitioner submitted that the petitioner attained majority only in the year 1995 and thereafter, immediately, the application was submitted to the respondents and the respondents were asking the petitioner to produce one certificate after another and ultimately, they delayed the entire process and the application submitted by the petitioner was rejected in the year 2019. Learned counsel submitted that the delay on the part of the respondents cannot be put against the petitioner and that the petitioner is entitled for compassionate appointment since she satisfies all the requirements.

6. A similar issue came up for consideration before the Division Bench of this Court in *The Inspector General of Prisons v. P.Marimuthu* [2016 (5) CTC 125]. The ground on which the compassionate appointment was rejected in that case was that the application was not given within three years from the date of demise of the employee. This Court held that a post cannot be kept unfilled for number of years and the very object of granting compassionate appointment is to tide over an emergent situation that has arisen due to the sudden demise of a breadwinner, who was taking care of the family.



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7. In the present case, the father of the petitioner died in the year 1988. The petitioner submitted an application in the year 1995. The petitioner is aged about 45 years and the petitioner is waiting for compassionate appointment to be granted to her for nearly 35 years after her father died. If compassionate appointment is granted in cases of this nature, it will completely defeat the very purpose for which the compassionate appointment is given. The fact that the petitioner has sustained for more than 35 years shows that the petitioner has not been immediately deprived of her livelihood and the reason assigned by the first respondent for rejecting the application submitted by the petitioner cannot be held to be illegal or perverse.

8. In the light of the above discussion, this Court does not find any merit in the present writ petition.

Accordingly, this Writ Petition is dismissed. No costs.

**30.01.2023**

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order  
gm



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**N.ANAND VENKATESH, J**

gm

To

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