



W.P.No.30449 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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S.Sridhar

.. Petitioner

Versus

1. The State of Tamil Nadu,
Rep. by its Secretary,
Public Health Department,
St. George Fort,
Chennai - 600 009.
2. The General Manager,
Chennai Metropolitan Water Supply
and Sewerage Board,
Chintadripet, Chennai - 600 002.
3. The Executive Engineer,
Regional Office-II,
Chennai Metropolitan Water Supply
and Sewerage Board,
Minjur, Ponneri Taluk,
Tiruvallur District.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus calling for the records of respondents, particularly the 2nd respondent order, dated 06.09.2011 vide Ref.No.Ka.No.Se Ku va/Pa ma ne/Ne ma 6/30232/2011 and quash the same



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and consequentially direct the respondents to offer an employment to the petitioner on compassionate grounds on account of the death of the petitioner's father late E.Sabapathy, employed as Field Worker under the respondents, particularly under the 3rd respondent.

For Petitioner : Mr.D.Vijay,
for Mr.R.Thanjan

For Respondents : Mr.T.K.Saravanan,
Government Advocate for R1

: Mr.Krishna Ravindran,
for RR-2 and 3

ORDER

The petitioner's father namely, *E.Sabapathy*, was employed as a Field Worker under the respondent. While so, he died in harness while in service on 10.11.1998. Thereafter, an application was made for compassionate appointment of one *Senthil Kumar*, the elder brother of the petitioner. When the said application was under consideration, on 15.03.2000, unfortunately, the said *Senthil Kumar* also died. In that circumstances, on 04.05.2006, an application was made by the petitioner's mother to appoint the petitioner on compassionate basis. The same is rejected by the second respondent by the impugned order, dated 06.09.2011 on the ground that



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there is no provision for changing the applicant under the compassionate appointment scheme.

2. Even though this Court is in agreement with the learned Counsel for the petitioner that when, before the consideration of *Senthil Kumar* and appointing him, he has passed away, the subsequent application can be considered as a fresh application and it cannot be rejected on the ground that there is no provision for change of name of the applicant, yet, it can be seen that the petitioner attained majority in the year 2002 and thereafter, there is a delay of four years in even making the application. The very provision for compassionate appointment is to provide immediate succor to the family of the person who died in service and since in this case, the father of the petitioner died in the year 1998 and at this belated point of time, certainly, the case of the petitioner cannot be considered for compassionate appointment.

3. Accordingly, finding no merits, this Writ Petition is dismissed. No costs.



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Index : yes
Speaking order
Neutral Citation : no
grs

To

1. The Secretary,
Public Health Department,
St. George Fort,
Chennai - 600 009.
2. The General Manager,
Chennai Metropolitan Water Supply
and Sewerage Board,
Chintadripet, Chennai - 600 002.
3. The Executive Engineer,
Regional Office-II,
Chennai Metropolitan Water Supply
and Sewerage Board,
Minjur, Ponneri Taluk,
Tiruvallur District.
4. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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