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W.P.No.23322 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No. 23322 of 2016
and W.M.P.No.20030 of 2016

L.Suseela

... Petitioner

Versus

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Home Department,
Secretariat,
Fort St. George, Matras – 600 009.

2.The Director General of Police,
State of Tamil Nadu,
No.601, Dr.Radhakrishnan Salai,
Mylapore, Madras – 600 004.

3.The Superintendent of Police,
Thiruvallur District,
Thiruvallur.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings of the third respondent in Na.Ka.No.A4/10257/2012 dated 27.03.2013 and to quash the same as illegal, incompetent and ultravires and consequently direct the respondents to give appointment to the petitioner's son, namely, L.Jegan Babu on compassionate ground.



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For Petitioner : Mr.R.Jayaprakash
For Respondents : Mr.D.Gopal
Government Advocate

ORDER

This writ petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings of the third respondent in Na.Ka.No.A4/10257/2012 dated 27.03.2013 and quash the same as illegal, incompetent and ultravires and consequently direct the respondents to give appointment to the petitioner's son, namely, L.Jegan Babu on compassionate ground.

2. The petitioner's husband namely A.Loganathan joined the Police Department on 17.03.1986 and served as Police Constable Grade I. While he was in service, he died in an accident on 09.04.2013. Thereafter, the petitioner had submitted application to the respondents seeking appointment on compassionate ground for her daughter namely L.Mohanapriya, who was 13 years old. However, the request for compassionate appointment was rejected on the ground that she was minor. Subsequently, the petitioner has requested the respondents to consider her son namely L.Jegan Babu for



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compassionate appointment since her daughter has been subsequently married and living in her matrimonial home and away from the petitioner.

The 3rd respondent sent a proposal to the 2nd respondent in Na.E.A4/10257/2012 dated 12.12.2012. However, the impugned order was passed by the 3rd respondent on 27.03.2013.

3. The 3rd respondent has filed a counter. Paragraph No. 10 of the said counter affidavit is extracted hereunder:

“As regards the averments set out in grounds 4(ii) of the affidavit, it is submitted that as per G.O.Ms.No.155 Labour and Employment Department (Q-1) dated 10.12.2014, the petitioner's daughter namely L.Mohanapriya is eligible for appointment on compassionate grounds and the proposal was sent to the 2nd respondent i.e., Director General of Police, Tamil Naddu, Chennai vide Na.Ka.No.A4/16877/2016 dated 09.11.2016 for request to include the name of the petitioner's daughter in waiting list for appointment on compassionate grounds”.

4. It is brought to the notice of this Court by the 3rd respondent that the petitioner's daughter's name has been placed in Sl.No.1 and she would be appointed shortly vide proceedings in Na.Ka.No.115704/C.A.1/2023 dated 19.04.2023 on the file of the 2nd respondent. The petitioner has made several request to consider her son for appointment instead of her daughter in view



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of the change in circumstances in her family.

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5. This Court is however unable to accede to the said request made by the writ petitioner. The appointment on compassionate ground cannot be sought for as a matter of right and even in the writ petition, the case of the petitioner was only for her daughter to be appointed. No doubt, the daughter has been subsequently married and she is living with her husband and away from the petitioner. Unfortunately, despite such circumstances, this Court is unable to consider the representation of the writ petitioner that the compassionate appointment be given to her son instead of her daughter

6. It is also seen that pending the writ petition, the respondents have taken steps to favourably consider the petitioner's daughter's appointment on compassionate ground which has culminated in the proceedings dated 19.04.2023. Having these in mind, this Court feels that no positive directions can be issued in view of the subsequent developments pending the writ petition. As the petitioner's daughter's name has already been placed in Sl.No.1, it is only a matter of time that the daughter of petitioner will be



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getting appointment on compassionate ground.

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7. With the above observations, this writ petition is disposed of.

Consequently, connected miscellaneous petition is closed. No cost.

12.06.2023

Index : Yes / No

Internet: Yes

Speaking/non speaking order
nr

To

1.The Principal Secretary,
Home Department,
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Fort St. George, Madras – 600 009.

2.The Director General of Police,
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No.601, Dr.Radhakrishnan Salai,
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3.The Superintendent of Police,
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P.B.BALAJI, J.,
nr

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