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W.P.No.5205 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.5205 of 2015

S.Jaya

... Petitioner

-Vs-

1. The Chairman,
Chennai Port Trust,
Chennai -1.

2. The Traffic Manager,
Cargo Handling Division,
Chennai Port Trust,
Chennai – 1.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents to pay compensation in lieu of compassionate appointment given to similarly placed person based on the representation of the petitioner dated 03.04.2014 within a fixed time frame.

For Petitioner : M/s.A.M.Amutha Ganesh.

For Respondents : Mr.A.Kumaraguru



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ORDER

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2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. The petitioner's husband had joined as a Reserve Poll Mazdoor in the Madras Dock Labour Board. He died while he was in service. Subsequently, the Madras Dock Labour Board was merged with the first respondent and now it is functioning in the name of the second respondent. The petitioner, being the wife of the deceased workman, her name is continued in the compassionate appointment list. However, the petitioner made a representation dated 03.04.2014 to pay the compensation in lieu of the compassionate appointment. However, the said request was rejected by the communication dated 16.10.2014, thereby directed the petitioner to receive the gratuity of her deceased



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husband, after deduction of dues if any. However, the petitioner did not receive the same so far and it is pending with the respondents.

4. A perusal of the counter filed by the respondents revealed that as per the Government guidelines only 5% of vacancy arising in direct recruitment can be filled in Class III and Class IV category. The maximum time, a person's name can be kept under consideration for offering compassionate appointment will be three years, subject to the condition that the prescribed committee has reviewed and certified the penurious condition of the applicant, at the end of the first and second year. After three years, if the compassionate appointment is not possible to be offered to the applicant, his/her case will be finally closed and will not be considered again by the communication dated 05.05.2003.

5. The husband of the petitioner was working as a casual employee. Further, as per the condition of the said communication, the “Dependant Register” was maintained, in which, the petitioner's name was not found in the said Register, since her husband does not come under the terms of employee of the Board enumerated in the scheme of



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compassionate appointment. Therefore, she is not entitled for any compensation in lieu of compassionate appointment. However, she is entitled for gratuity of her deceased husband. Therefore, the petitioner is at liberty to receive the gratuity payable to her deceased husband by the respondents.

6. In view of the above, this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition is dismissed. No costs.

10.08.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

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G.K.ILANTHIRAIYAN, J.

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To

1. The Chairman,
Chennai Port Trust,
Chennai -1.
2. The Traffic Manager,
Cargo Handling Division,
Chennai Port Trust,
Chennai – 1.

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