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W.P.No.20906 of 2023

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

**DATED: 14.07.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**W.P.No.20906 of 2023**

1. R.Eswari

2. R.Gurubhavani

... Petitioners

**Vs**

1. The Director/ Commissioner,  
Employment and Training Department,  
Guindy, Chennai – 600 032.

2. The Deputy Director/ Principal,  
Government Technical Institute,  
Technical Training Institute, Cuddalore.

... Respondents

Prayer:- Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the Order of the first respondent made in Na.Ka.No.31093/ Pa.A.3/2016 dated 23.09.2022, to quash the same and consequently direct the respondents to consider the claim of the second petitioner for compassionate appointment to any eligible post.



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For Petitioners : Mr.L.Chandrakumar

For Respondents : Mr.P.Baladhandayutham  
Special Government Pleader

### **ORDER**

With the consent of both sides, the Writ Petition itself is taken up for disposal.

2. This Writ Petition has been filed to quash impugned Order of the first respondent made in Na.Ka.No.31093/ Pa.A.3/2016 dated 23.09.2022 and consequently direct the respondents to consider the claim of the second petitioner for compassionate appointment to any eligible post.

3. The case of the writ petitioner is that the first petitioner's husband died on 25.07.2015 and the first petitioner has given an application on 07.09.2016 and 05.06.2017 for compassionate appointment. Thereafter, the second petitioner had given an application on 07.09.2020 on the ground that since her mother is not medically fit, she should be appointed.



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The impugned Order came to be passed rejecting the request of the second petitioner. Challenging the same the present Writ Petition has been filed.

4. The learned counsel for the petitioner would submit that the application filed by the first petitioner is infact has been processed and the respondents sought for original documents. In the meanwhile, as the first petitioner has under gone some surgery, the second petitioner has given an application in the year 2020. Therefore, she is entitled to be appointed.

5. The learned Special Government Pleader appearing for the respondents would submit that even when the application of the first petitioner has been processed, no document has been produced. Whereas, now the second petitioner has given the application, which is beyond three years. Hence, opposed the Writ Petition.

6. I have perused entire documents. The very object of compassionate appointment is to alleviate the distress of the family, who lost the Government servant and to provide assistance to such family. Such an application has to be given within a period of three years. The



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application given by the first petitioner has not been processes despite the communication issued by the respondent on 30.05.2019 to produce the original documents. However, the first petitioner has not produced the same. Whereas, in the year 2020, fresh application has been given by the second petitioner for compassionate appointment. Therefore, this Court is of the view that the compassionate appointment is meant only to provide assistance to the family immediately after the death of a Government Servant and the same cannot be sought at the whims and fancies of the petitioners. Admittedly, the second petitioner has given the application only in the year 2020, beyond three years. Therefore, I do not find any merits in the impugned Order.

7. Accordingly, this Writ Petition is dismissed. No costs.

**14.07.2023**

Index: Yes/No

Neutral Citation : Yes/No

vrc



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**N.SATHISH KUMAR, J.**

VTC

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