



WEB COPY



W.P.No. 25160 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2023

CORAM

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No. 25160 of 2023

R. Pravenkumar

..Petitioner

Vs.

1. The High Court of Madras
rep. by its Registrar General,
High Court, Madras – 600 104.
2. The Principal District Judge,
District Court Complex,
Sampath Nagar Road,
Erode – 638 011.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for the records relating to the impugned orders made in (i) A.No. 309/2021, Lr.No. 3272 dated 12.04.2023 and (ii) A.No. 309/2021, Lr.No. 3637 dated 24.04.2023 passed by the 2nd respondent, quash the same and consequently direct the respondents to grant an appointment on compassionate ground by considering petitioner's applications dated 09.06.2021 and 23.08.2021.



W.P.No. 25160 of 2023

For Petitioner :: Mr.N. Manokaran

WEB COPY

For Respondents :: Mr.V. Ayyadurai,
Additional Advocate General
assisted by
Mr. Durai Eswar for R1 & R2

O R D E R

(Made by S. Vaidyanathan,J.)

The petitioner has come forward with the present writ petition challenging the orders dated 12.04.2023 and 24.04.2023 passed by the 2nd respondent, quash the same and consequently direct the respondents to grant an appointment on compassionate ground by considering petitioner's applications dated 09.06.2021 and 23.08.2021.

2. The petitioner's mother, who was working as a Senior Bailiff in Sub Court, Bhavani, from the year 2007, died in harness on 24.05.2021. After her demise, the writ petitioner's father, on his behalf, had made an application to the 2nd respondent for compassionate appointment on 09.06.2021 enclosing all the required certificates. While so, based on the directions of the Hon'ble Chief Justice, a Special Committee was constituted to consider compassionate appointments to the heirs of the deceased judicial officers and employees of this High Court and the District Judiciary due to Covid-19 pandemic. The Special Committee, so constituted, had directed all



W.P.No. 25160 of 2023

the Principal District Judges, vide proceedings dated 04.08.2021, to forward the applications along with the required documents which were received from the heirs of the deceased employee due to Covid 19. Accordingly, the petitioner had produced all the required documents sought by the respondents to process his application on 23.08.2021. The petitioner's applications were forwarded to the 1st respondent on 23.12.2021. Thereafter, the petitioner was served with the impugned orders dated 12.04.2023 and 24.04.2023 by the 2nd respondent informing that the petitioner's application for compassionate appointment has been rejected by the 1st respondent vide office memorandum dated 06.04.2023 and that there was no delay in forwarding his application to the 1st respondent as alleged by the petitioner. The petitioner was also asked to get back his original certificates, which have been returned by the 1st respondent. Immediately thereafter, the petitioner gave an application dated 06.07.2023 under the RTI Act to the respondents seeking a copy of the proceedings dated 06.04.2023 and the said request was rejected by respondents 1 and 2 by orders dated 25.07.2023 and 26.07.2023. Hence, the present writ petition.

3. By impugned orders dated 12.04.2023 and 24.04.2023, except stating that the petitioner's request was rejected, there was no whisper as to the reasons for such rejection by the 2nd respondent. The fact remains that



W.P.No. 25160 of 2023

the petitioner had also sought for furnishing a copy of the Official Memorandum dated 06.04.2023 of the 1st respondent and the same was refused to be given to the petitioner and he was made to run from pillar to post. A perusal of the impugned order would amply reveal the fact that it is in the form of non speaking order. The Hon'ble Supreme Court and this Court time and again insisted on the requirement of recording reasons and the quasi judicial order must be a speaking one. The Hon'ble Supreme Court in the case of **Mahabir Prasad Santosh Kumar vs. State of U.P.**, reported in **(1970) 1 SCC 764** held that merely giving an opportunity of hearing is not enough and further pointed out that where the order is subject to appeal, the necessity to record reason is even greater. Recording of reasons in support of a decision on a disputed claim ensure that the decision is not a result of caprice, whims or fancy, but was arrived at after considering the relevant law and that the decision was just.

4. Of course, it is true that compassionate appointment cannot be demanded as a matter of right and it is for the person claiming such appointment to prove his/her eligibility and suitability for the post. At the same time, it cannot be lost sight of the fact in the present case that there was no reasoned order passed and the petitioner was kept in the dark as to the ground on which his request for compassionate appointment was



W.P.No. 25160 of 2023

rejected, as a result of which, the petitioner was not in a position to effectively put forth his defence, which is nothing, but violation of principles of natural justice. Therefore, on this sole ground, the impugned orders are liable to be set aside, warranting interference by this Court.

5. Accordingly, this Writ Petition is allowed and the impugned orders dated 12.04.2023 and 24.04.2023 are set aside. The matter is remitted back to the 1st respondent to consider the case of the petitioner afresh and take a decision, with regard to the claim of the petitioner, within a period of three months from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner on production of necessary/relevant records to the petitioner. No costs.

(S.V.N.J.) (K.R.S.J.)
12.09.2023

nv

To

1. The Registrar General,
The High Court of Madras,
High Court, Madras – 600 104.
2. The Principal District Judge,
District Court Complex,
Sampath Nagar Road,
Erode – 638 011.



WEB COPY



W.P.No. 25160 of 2023

S. VAIDYANATHAN,J.

AND

K. RAJASEKAR,J.

nv

W.P. No. 25160 of 2023

12.09.2023