



W.A.No.2640 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**

AND

THE HONOURABLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

W.A.No.2640 of 2018
and CMP Nos.21446 of 2018 & 16832 of 2019

1. The District Collector,
District Collector's Office,
Krishnagiri.

2. The Revenue Divisional Officer,
Krishnagiri.

3. The Tahsildar,
Krishnagiri.

...Appellants/Respondents

Vs.

S.Santhi

... Respondent/Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 15.11.2017 passed in W.P. No.25942 of 2017 and to set aside the same.



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For Appellants : Mr. G.Nanmaran
Special Government Pleader

For Respondent : Mr. S.Vijayakumar, Sr. Counsel
for Mr.J.Melwin Jabaz

J U D G M E N T

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

The Government is on Appeal against the order made in WP No.25942 of 2017 allowing the said Writ Petition and directing the appellants to grant compassionate appointment to the son of the respondent, commensurate with his qualification.

2. The necessary facts that are required for disposal of the Appeal are as follows:

The petitioner's husband (respondent in the Writ Appeal) who was working as a Village Administrative Officer in Krishnagiri District died on 02.05.2007. The petitioner gave an application on 28.02.2008 seeking compassionate appointment for her or any of the family members to enable her to tide over the financial crisis. It is stated that the same was received



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by the second appellant and forwarded to the third appellant for further course of action. It is also stated that certain particulars were called for from the petitioner. However, the petitioner filed an application seeking to nominate her elder daughter for compassionate appointment since she fell sick. Subsequently, in the year 2011, the petitioner made a request for nominating her younger daughter, since the younger daughter also got married, the petitioner sent a representation on 25.10.2016 nominating her son for compassionate appointment. Since she did not hear anything about the appointment, she moved this Court with the prayer for Mandamus as stated above.

3. The Writ Petition was primarily resisted on the ground that since the petitioner kept on changing the nominee, it became difficult for the Authorities to consider the application. The Writ Court found that the reason assigned for non consideration is not sound and therefore, allowed the Writ Petition as prayed for issuing a Mandamus. The Government is on Appeal.



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4. We have heard Mr.G. Nanmaran, learned Special Government

Pleader, he would submit that compassionate appointment is meant to address the financial exigencies that occur soon after the death of the Government servant and the same cannot be extended for more than 10 years after the death of the Government servant.

5. We are alive to the fact that application for compassionate appointment should be made within a reasonable time, in the case on hand the application was made within a year, but due to certain circumstances the nominee was changed. Therefore, the petitioner cannot be blamed for the delay. In similar circumstances, where the elder son of the Government servant died and an application was made after six years nominating the younger son, a Division Bench of this Court in ***M.Namadeva v. The Director or School Education***, made in ***WA No.4062 of 2019*** dated 26.11.2019, had held that in such cases delay cannot be a ground to refuse compassionate appointment.



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6. The issue is actually covered by the decision of the Division

Bench referred to above. Hence the Writ Appeal fails and it is accordingly **dismissed**. There shall be no order as to costs. Consequently the connected miscellaneous petitions are closed. The appellants shall appoint the son of the respondent, nominated by her to a suitable post within 3 months from the date of receipt of the copy of this order.

(R.S.M., J.)

(S.S.K., J.)

30.01.2023

jv

Index : No

Internet : Yes

Speaking order

Neutral Citation: Yes

Note: Time Bound case

To

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