



W.P.(MD).No.180 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 30.11.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

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R.Vignesh

.. Petitioner

Vs.

- 1.The Registrar General,
Madras High Court,
Chennai.
- 2.The Principal District Judge,
District Court,
Dindigul .
- 3.The Chief Judicial Magistrate,
Chief Judicial Magistrate Court,
Dindigul.
- 4.The Judicial Magistrate,
Judicial Magistrate Court,
Nilakkottai,
Dindigul District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records



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connected with the impugned order passed by the 1st respondent in R.O.C.No.95092/2019/C4 dated 29.09.2020 which was enclosed in the letter of the 2nd respondent communicated to the petitioner in Endorsement in R.O.C.No.7790/2020/A1 dated 06.10.2020 rejecting the claim of the petitioner for appointment on compassionate grounds to the petitioner and quash the same and consequently direct the respondents to consider the claim of the petitioner for appointment on compassionate ground to the petitioner in any one of the suitable post considering the qualification of the petitioner.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.T.S.Mohammed Mohideen

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The Writ Petition has been instituted seeking appointment on compassionate grounds.

2. The father of the writ petitioner, who was holding the post of Office Assistant, died in service on 29.11.2011. Admittedly, the petitioner was a major at the time of the death of his father in the year 2011. But he failed to submit any application seeking appointment. The stepmother of



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the writ petitioner submitted an application in the year 2012 seeking appointment, which was considered by the competent authority. She was called upon to attend interview and she appeared, but she failed to furnish the required documents for the purpose of appointing her on compassionate grounds.

3. Admittedly, the petitioner submitted an application seeking appointment on compassionate grounds only during the year 2017. The learned counsel for the petitioner states that the grandmother of the petitioner submitted an application on 13th August 2015. The delay occurred on account of the civil suit instituted by the petitioner for declaration to declare him as a legal heir of the deceased employee.

4. The reason stated is unacceptable in view of the fact that the petitioner was a major even at the time of the death of the deceased employee. More so, the application submitted by the stepmother of the petitioner was considered by the competent authority. There is no provision to entertain the second application seeking compassionate appointment under the scheme. The scheme being a concession is to be implemented scrupulously by following the terms and conditions.



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5. In the present case, the petitioner submitted an application beyond the period of three years and therefore, it is not entertainable under the scheme, since the applications for compassionate appointment are to be filed within a period of three years from the date of death of the deceased employee.

6. The reasons stated by the petitioner that the civil suit was pending, is unacceptable, since the petitioner was a major at the time of death of his father.

7. Even the delay occurred on account of the pending suit cannot be taken into consideration, since the scheme of compassionate appointment is provided to mitigate the circumstances arising on account of the sudden death of an employee. Efflux of time is also a ground to draw an inference that the penurious circumstances, which arose at the time of death of the employee, got disappeared. Therefore, the scheme cannot be expanded for the purpose of providing appointment, since it is not a method of appointment, but a concession extended by the Government only to provide appointment to deserving families. In view of the fact that the petitioner has



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submitted an application beyond the period of three years, there is no infirmity in respect of the decision taken by the respondents and the same stands confirmed.

8. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

(S.M.S.,J.) (V.L.N.,J.)
30.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

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