



W.A.(MD).No.223 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 16.11.2023

CORAM

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

W.A.(MD).No.223 of 2021

G.Mariyappan

.. Appellant/Petitioner

Vs.

- 1.The Chief Engineer,
Public Works Department,
Chepauk,
Chennai – 600 005.
- 2.The Superintending Engineer,
Water Resource Organization,
Thamiraparani Basin Circle,
Public Works Department,
Palayamkottai,
Tirunelveli District.
- 3.The Executive Engineer,
Water Resource Organization,
Public Works Department,
Chittraru Bassin Division,
Tenkasi, at Kuttralam,
Thamiraparani Basin Division,
Tirunelveli.



W.A.(MD).No.223 of 2021

4.The Assistant Executive Engineer,
Water Resource Organization,
Public Works Department,
Chittraru Bassin Sub-Division,
Tenkasi, at Kuttralam,
Thamiraparani Basin Division,
Tirunelveli.

..Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to call for the records in W.P.(MD).No.19374 of 2019 and set aside the order dated 30.10.2019 by allowing this Writ Appeal.

For Appellant : Mr.A.Haja Mohideen

For Respondents : Mr.SP.Maharajan
Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by V.LAKSHMINARAYANAN,J.)

The present Writ Appeal has been instituted challenging the order dated 30.10.2019 passed in W.P.(MD).No.19374 of 2019.

2. The appellant's father was working as a Sweeper in the office of the fourth respondent and he passed away on 08.05.2005. The appellant gave a representation on 03.04.2007 for appointment on compassionate grounds.



W.A.(MD).No.223 of 2021

The said application was returned for certain clarifications. Subsequently, the petitioner's representation was rejected. During the relevant time, when the appellant gave an application, the appellant's mother was working as a Sweeper and she retired from service on 30.06.2012. Apart from that, the appellant's mother had also started receiving pension. When the appellant's mother was working during the relevant time and thereafter, she was receiving pension, it cannot be stated that the family is under penurious circumstances.

3. Apart from that, the learned Single Judge has come to the conclusion that when anyone of the members of the family is employed as a Government servant during the time of the death of the employee, the other members are not entitled to appointment on compassionate grounds under the scheme. In matters relating to compassionate appointment, the scheme has to be strictly adopted and followed.

4. The Government Order that the learned counsel for the appellant very strenuously relies on, namely, G.O.Ms.No.36 dated 06.02.1997, does not deal with compassionate appointment at all. Therefore, we are unable to



W.A.(MD).No.223 of 2021

agree with the arguments of the learned counsel for the appellant. We do not find any infirmity in the order of the learned Single Judge. Thus, we are constrained to confirm the same.

5. Accordingly, the Writ Appeal stands dismissed. There shall be no order as to costs.

(S.M.S.,J.) (V.L.N.,J.)
16.11.2023

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

To

1.The Chief Engineer,
Public Works Department,
Chepauk,
Chennai.

2.The Superintending Engineer,
Water Resource Organization,
Thamiraparani Basin Circle,
Public Works Department,
Palayamkottai,
Tirunelveli District.



W.A.(MD).No.223 of 2021

3. The Executive Engineer,
Water Resource Organization,
Public Works Department,
Chittraru Bassin Division,
Tenkasi, at Kutralam,
Thamiraparani Basin Division,
Tirunelveli District.
4. The Assistant Executive Engineer,
Water Resource Organization,
Public Works Department,
Chittraru Bassin Sub-Division,
Tenkasi, at Kutralam,
Thamiraparani Basin Division,
Tirunelveli.



WEB COPY



W.A.(MD).No.223 of 2021

S.M.SUBRAMANIAM,J.
and
V.LAKSHMINARAYANAN,J.

Lm

W.A.(MD).No.223 of 2021

16.11.2023