



W.A.(MD) No.1285 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **23.11.2023**

CORAM

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD) No.1285 of 2021

M.Vapar Manikandan

... Appellant/Writ Petitioner

-Vs.-

1.The Director General of Police,
Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.

2.The Commissioner of Police,
Tirunelveli City,
South High Ground Road,
Palayamkottai,
Near Anna Stadium,
Tirunelveli – 627 002.

3.M.Ramani

4.M.Sangami

5.M.Sangavi

6.M.Sankari

... Respondents/Respondents



W.A.(MD) No.1285 of 2021

PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order dated 11.01.2021 made in W.P.(MD)No.303 of 2021 on the file of this Court.

For Appellant : Mr.A.Haja Mohideen

For Respondents : Mr.S.Kameswaran
Government Advocate
For R1 & R2

J U D G M E N T

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**)

The Writ Appeal has been instituted against the order dated 11.01.2021, passed in W.P.(MD)No.303 of 2021.

2. The father of the writ petitioner / Late A.Maharajan, was working as an Assistant Commissioner of Police, City Crime Branch, Tirunelveli, and died on 30.07.2014, while he was in service. Admittedly, the first wife left the matrimonial home seven months after the marriage with the deceased employee. The name of the second wife has been entered in the service records of the deceased employee and the learned Government Advocate made a submission that the Family Pension has



W.A.(MD) No.1285 of 2021

been sanctioned in the name of the second wife and she is receiving the same continuously. The daughter born through second wife also filed an application seeking appointment on compassionate grounds, which is yet to be considered. While so, the petitioner, who is the son of the deceased employee through the first wife has filed an application and under the Scheme of appointment, two applications cannot be considered by the authorities competent. Thus, the application submitted by the appellant was rejected on the ground that only after resolving the family dispute, application is to be submitted seeking appointment on compassionate grounds.

3. Learned Single Judge dismissed the Writ Petition accepting the said ground taken by the department.

4. There is no reason to interfere in the order of the learned Single Judge in view of the fact that the Scheme of Compassionate Appointment is to be provided to the legal heir of the deceased employee and in the event of family dispute, the same is to be resolved and one legal heir has to submit an application with the consent of the other legal heirs. That being the scope of the Scheme, the appellant has to resolve



W.A.(MD) No.1285 of 2021

the family dispute first and thereafter, file an application for consideration.

5. With these observations, the order dated 11.01.2021, passed in W.P.(MD)No.303 of 2021, stands confirmed and the Writ Appeal is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

[S.M.S.J.] & [V.L.N.J.]
23.11.2023

NCC : Yes/No
Index : Yes/No
SJ

To

1.The Director General of Police,
Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.

2.The Commissioner of Police,
Tirunelveli City,
South High Ground Road,
Palayamkottai,
Near Anna Stadium,
Tirunelveli – 627 002.



WEB COPY



W.A.(MD) No.1285 of 2021

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

SJ

W.A.(MD) No.1285 of 2021

23.11.2023