



W.A(MD)No.1592 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.02.2023

CORAM :

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**W.A(MD)No.1592 of 2021
and
W.M.P(MD)No.6770 of 2021**

Mahalakshmi

.. Appellant/4th Respondent

Vs.

1.Vinothkanna

.. 1st Respondent/Writ Petitioner

2.The State of Tamil Nadu,
Through its Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat,
Fort St.George,
Chennai- 600 009.

3.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai- 600 028.

4.The District Registrar,
Trichy District,
Trichy-620 001.

.. Respondents 2 to 4/
Respondents 1 to 3



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PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent Act, against the order, dated 17.06.2021, made in W.P(MD)No. 8455 of 2021.

For Appellant : Mr. S.M.Anantha Murugan

For Respondents : Mr.VR.Shanmuganathan
for R1

: Mr.D.Sasikumar
Additional Government Pleader
for R2 to R4

JUDGMENT

DR.G.JAYACHANDRAN, J.
and
K.K.RAMAKRISHNAN, J.

This writ appel is filed against the order of the Single Judge, who has disposed of the writ petition filed by one Vinothkanna seeking mandamus to direct the respondents 1 to 3 therein to provide appropriate appointment to him on compassionate ground on account of the death of his mother Tmt.Yogamalar, who was working as Sub-Registrar and died on 20.07.2020. The said writ petition was disposed of with a direction that the



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representation must be considered in accordance with law without insisting upon no objection certificate from the fourth respondent, who is the sister of the writ petitioner. Being aggrieved, the fourth respondent has preferred this appeal stating that his brother Vinothkanna has sufficient means and he was not dependent of his mother Yogamalar and therefore without her clearance, appointment should not be considered.

2. The State represented by the respondents 2, 3 and 4 has filed counter stating that compassionate ground appointment can be considered only if the family is in indigent circumstances and the material available with the department indicates that the said Vinothkanna has sufficient means and it does not fall within the criteria that the family of the deceased Government Employee unable to meet the crisis of the sudden demise of the Government servant.

3. Be that as it may, the order of the Single Judge is only to consider the application for compassionate appointment without insisting upon no objection certificate from the fourth respondent, namely, Mahalakshmi, the



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appellant herein. It does not mean that there is a positive direction from the Court to give appointment. Compassionate appointment is not a hereditary right of the family members of the Government employee unless and until the person who claims compassionate appointment satisfies all the ingredients contemplated under the Government Order for granting compassionate appointment. No person can seek for compassionate appointment as a matter of right. This legal position is well settled by the Supreme Court in catena of judgments and there cannot be any deviation to the said dictum. Therefore, this Court holds no merit in the writ appeal and this writ appeal is dismissed accordingly. No Costs. Consequently, connected miscellaneous petition is closed.

[G.J.,J.] & [K.K.R.K.,J.]

24.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
PJJ



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