



W.P.(MD).No.24150 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 17.10.2023

CORAM

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

W.P.(MD).No.24150 of 2019

Prasanth

.. Petitioner

Vs.

1.The Registrar General,
Hon'ble High Court,
Madras.

2.The Principal District Judge,
Pudukottai.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to provide compassionate appointment to the petitioner for the demise of his father within a reasonable period to be fixed by this Court.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.D.Venkatesh
Standing Counsel



W.P.(MD).No.24150 of 2019

ORDER

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

The relief sought for in the present Writ Petition is to direct the respondents to provide compassionate appointment for the demise of his father within a reasonable period of time.

2. The father of the writ petitioner, Mani, was appointed as part time Scavenger on 21.11.1997. Thereafter, he was brought under the temporary service as Masalchi. Admittedly, the father of the writ petitioner died as a temporary employee in a road accident on 10.09.2010. The petitioner, who is the son of the deceased employee, submitted an application seeking appointment on compassionate grounds. The application was returned on the ground that the father of the petitioner was a temporary employee and therefore, the legal heirs of the deceased temporary employees are not eligible to avail the benefit of scheme of compassionate appointment.



W.P.(MD).No.24150 of 2019

3. The learned Standing Counsel appearing for the respondents made a submission that challenging the decision of the Regional Authority, the petitioner preferred an appeal before the Registrar General, who in turn confirmed the decision of the Regional Authority on 12.06.2014. Since the case of the petitioner is not falling within the ambit of the scheme of compassionate appointment, the Writ Petition is to be rejected.

4. The scheme of compassionate appointment is a concession and an exception. Thus, the scheme is to be implemented strictly in accordance with the terms and conditions of the scheme. Expansion of the scheme of compassionate appointment either by the authority or by the Courts would result in infringement of the right of equal opportunity for employment under the Constitution of India. Thus, the scheme is to be implemented only by ascertaining the eligibility with reference to the terms and conditions stipulated. In the present case, the father of the petitioner died as a temporary employee and not became the permanent member of the service. That being the factum, we do not find any infirmity in the decision taken by the competent authorities.



W.P.(MD).No.24150 of 2019

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

(S.M.S.,J.) (V.L.N.,J.)
17.10.2023

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

To

1.The Registrar General,
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