



W.P.(MD)No.24688 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 13.10.2023

CORAM

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

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A.Manibharathi

...Petitioner

-Vs.-

1.The Principal District and Sessions Judge,
Office of the District Court,
Thanjavur.

2.A.Ramachandran

...Respondents

PRAYER:- Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st Respondent to provide employment of the petitioner's deceased father Annadurai to the petitioner on compassionate ground based on the Petitioner's representation dated 22.06.2022.

For Petitioner : Mr.B.Anandan

For Respondents : Mr.N.Mohideen Basha
Standing Counsel for R1



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ORDER

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

The relief sought for in the present Writ Petition is to direct the 1st Respondent to provide employment of the petitioner's deceased father Annadurai to the petitioner on compassionate ground based on the Petitioner's representation dated 22.06.2022.

2. The petitioner states that his father Mr.Annadurai was working as an Examiner in Pudukkottai District Court and died on 11.10.2021 while he was in service. The mother, elder brother Mr.Ramachandran and elder sisters Sudha and Nathiya and the petitioner are the legal heirs of the deceased employee. The elder brother of the petitioner / second respondent is a practising advocate in Pudukkotai District Court Campus and submitted an application seeking employment on compassionate grounds. The said application was entertained and seniority number was allotted for the purpose of considering his case for grand of compassionate appointment by following the procedures as contemplated under the scheme of appointment. However, the petitioner, who is the younger son of the deceased employee also submitted an application seeking appointment on compassionate ground.



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3. Learned counsel appearing for the petitioner states that there is a family dispute exists between himself and his elder brother and therefore, he has submitted a separate representation to consider his case for appointment.

4. Compassionate appointment is a concession and cannot be claimed as an absolute right. The purpose and object of the scheme of compassionate appointment is to mitigate the circumstances arising out of sudden death of an employee, who may be the bread winner of the family. If the family is in penurious circumstances and not in a position to meet out their day to day life, then the employer has to grant compassionate appointment by following the procedures as contemplated under the scheme. Scheme of compassionate appointment is not a constitutional scheme and is a concession. Therefore, the scheme is to be implemented strictly following the terms and conditions stipulated. The genuineness of the claim, penurious circumstances of the family and the income and other criteria are to be scrupulously followed so as to consider the cases objectively and provide employment to the needy family. In the event of violation, the same would infringe of the right of equal opportunity to public employment to other eligible persons, who all



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are longing to secure the employment through open competitive process.

All appointments into public services are to be made under the constitutional scheme and by providing equal opportunity to all the eligible citizens, who are all waiting to secure public employment. Therefore, the appointments are to be made through open competitive process and compassionate scheme being an exception is to be extended only to the needy family by verifying the family income and other criteria fixed under the scheme.

5. In the present case, the elder brother of the petitioner has already submitted an application seeking appointment on compassionate grounds which was registered by the employer. That being the factum, the second application filed by the younger son of the deceased employee is not entertainable and if at all the petitioner wants to secure the employment, the other legal heirs have to give no objection for the purpose of considering his case.

6. With these observations, the Writ Petition stands dismissed.

No costs.

NCC :Yes/No
Index :Yes/No
SJ

**[S.M.S.J.,] & [V.L.N.J.,]
13.10.2023**



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

SJ

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