



W.P.No.16348 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **10.07.2024**

CORAM

THE HONOURABLE Ms. JUSTICE **P.T.ASHA**

W.P.No.16348 of 2015

N.Satish Ambedkar

...Petitioner

-VS-

1.The Director of Public Health
and Preventive Medicines,
Chennai – 600 006.

2.The Deputy Director of Health Services,
Salem – 1.

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 19.01.2015 in reference No.R.No.105651/E4/2014/S3 passed by the 1st respondent and quash the same and consequently direct the respondents to appoint the petitioner in any of the respondent's department.

For petitioner : Mr.K.A.Mariappan



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For R1 and R2 : Mr.E.Sundaram,
Government Advocate

ORDER

The refusal of the respondents to grant the compassionate appointment to the petitioner herein is the subject matter of this writ proceedings.

2. The petitioner's father *viz.*, Namo worked as a Driver in the Government Primary Health Centre, Siruvachur and he died in harness on 18.02.1997, leaving behind him, his surviving wife and the petitioner herein. At the time of the death of his father, the petitioner was a minor and therefore, his mother had given a representation dated 25.11.1999 that the petitioner may be provided employment on his attainment of majority.

3. Thereafter, when the petitioner had attained majority, he had made a representation dated 10.04.2007, requesting the respondents to grant him the compassionate appointment. The same



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was forwarded to the first respondent by the second respondent.

Though the second respondent had directed the petitioner to give certain particulars, ultimately, there was no response, which constrained the petitioner to file a writ petition in W.P.No.26257 of 2014 on the file of this Court. This Court, by an order dated 25.09.2014, had directed the respondents to consider the representation of the petitioner dated 12.03.2007 and pass orders within a period of twelve weeks from the date of receipt of a copy of that order.

4. The first respondent, on receipt of the copy of that order, had passed the impugned order dated 19.01.2015, rejecting the request of the petitioner stating that the purpose of giving compassionate appointment is to tide over the immediate financial crisis that the family go through at the death of the employee.

5. In the instant case, the petitioner's father had died as



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early as in the year of 1997 and the application for the compassionate appointment was made only in the year 2007. As per the extant rules for the relief of compassionate appointment, the application should be made within a period of three years. The scheme of compassionate appointment is a back door entry and cannot be kept open indefinitely. Therefore, the first respondent had rightly rejected the claim of the petitioner and I see no reason to differ with the impugned order.

Accordingly, this writ petition stands dismissed. No costs.

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Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
ssa

To

1.The Director of Public Health
and Preventive Medicines,
Chennai – 600 006.



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2.The Deputy Director of Health Services,
Salem – 1.



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P.T.ASHA, J.,

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