



W.P.No.25308 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER
KUMAR, J.**

W.P.No.25309 of 2015

and

M.P.No.2 of 2015

1 S.Selvam ... PETITIONER
Vs

1 The Director Of Town Panchayats,
Kuralagam Buildings,
Chennai-600 104.

2 The District Collector
Salem District, Salem.

3 The Assistant Director Of Town
Panchayats, Salem Zone, Collectorate
Salem.

4 M.Panjalai
Ex.Chairman And Ex.President Of The
Appointment Committee, Panamarathupatti I
Grade Town Panchayat, Panamarathupatti,
Salem District-636 204.



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5 P.Radhakrishnan

Ex.Member Of The Appointment Committee
Panamarathupatti I Grade Town Panchayat
Panamarathupatti, Salem District-636 204.

6 P.K.Madhaiyan,

Ex.Executive Officer Of Panamarathupatti I
Grade Town Panchayat, Presently: Executive
Officer (under suspension) Jalakandapuram Town
Panchayat, Jalakandapuram, Salem District.

7 The Executive Officer

Panamarathupatti I Grade Town Panchayat,
Panamarathupatti, Salem District-636 204.

8 K.Manikandan

9 D.Gopi

...

RESPONDENTS

PRAYER: This writ petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of CERTIORARI and MANDAMUS calling for the records relating to the orders of the 6th respondent dated 14.06.2007 in Na.Ka. 55/07 and quash the same in so far as it relates to the respondents 8 and 9 consequently direct the 7th respondent to forthwith appoint the petitioner as a Sweeper in the Panamarathupatti I Grade Town Panchayat, Panamarathupatti, Salem District, on compassionate grounds.



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For Petitioner	...	Mr.K.Selvaraj
For Respondent Nos.1,2,3,& 7	...	Mr.M.S.Premkumar
For Respondent No.5	...	Ms.T.Dharani
For Respondent No.6.	...	Mr.S.Nedunchezhiyan

ORDER

This writ petition has been filed seeking a writ of Certiorarified Mandamus to call for the records relating to the proceedings in Na.Ka. 55/07 dated 14.06.2007 issued by the 6th respondent appointing the respondents 8 & 9 as Sweeper in Panamarathupatti I Grade Town Panchayat, Panamarathupatti, Salem District-636 204 and to quash the same.

2.The petitioner has sought a consequential direction to appoint him as a Sweeper in the said Town Panchayat. This writ petition has been filed on 12.08.2015 challenging the order of appointment dated 14.06.2007 issued in favour of the respondent Nos.8 & 9 almost after a lapse of eight years. Absolutely, there is no explanation offered by the petitioner for the delay in filing the present writ petition.



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3.Be that as it may, the claim of the petitioner for being appointment for the post of Sweeper in the Town Panchayat in question, is on compassionate grounds, consequent to the death of his father on 02.09.1984 while he was working as Sweeper in the 7th respondent Town Panchayat. As seen from the contents in the affidavit filed in support of the writ petition, the petitioner has submitted the application for the first time seeking compassionate appointment on 12.01.2007 after a lapse of 23 years, since the date of death of his father. Further, by the time of filing of the present writ petition, the petitioner is aged 39 years and now aged about 47 years. Thus, the claim of the petitioner for being considered and appointed to the post of Sweeper in the 7th respondent Town Panchayat is stale claim and question of considering the case of the petitioner for compassionate appointment after a lapse of 23 years does not arise in the light of the settled law in the matter of compassionate appointment. The provision /scheme providing for compassionate appointment in a concession provided and such a concession does not confer any indefeasible right on the petitioner. Such a concession can be availed strictly in terms of the said scheme but not otherwise.



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Index : Yes/No
Internet : Yes/No
sms

16.12.2024

To

- 1 The Director Of Town Panchayats,
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- 2 The District Collector
Salem District, Salem.
- 3 The Assistant Director Of Town
Panchayats, Salem Zone, Collectorate
Salem.
- 4 The Executive Officer
Panamarathupatti I Grade Town Panchayat,
Panamarathupatti, Salem District-636 204.
- 5 The Public Prosecutor,
High Court, Madras.



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MUMMINENI SUDHEER KUMAR, J.

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