



W.P.No.11017 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.11017 of 2024

S.Ezhilarasi

.. Petitioner

Versus

1. The Director General of Police,
Police Head Quarters,
Kamarajar Salai,
Chennai - 600 004.

2. The Superintendent of Police,
District Police Office,
Tiruppattur,
Tiruppattur District.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus calling for the records on the file of 2nd respondent relating to Na.Ka.No.A3/491/E-6208632/2023, dated 22.12.2023 and quash the same and direct the 2nd respondent to consider the petitioner's application, dated 03.01.2024 requesting to give a job to the petitioner on compassionate grounds.

For Petitioner : Mr.S.Radhakrishnan

For Respondents : Mr.P.Ganesan,
Government Advocate



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ORDER

The writ petitioner challenges the impugned order, dated 22.12.2023, in and by which, the request of the petitioner to grant compassionate appointment has been rejected.

2. The petitioner's husband namely, one *Vengaiyan* was working as a Head Constable. While so, he died in service on 13.09.2017. Immediately thereof, an application was made for providing compassionate appointment to the petitioner's son. At that point of time, the petitioner's son was only aged 16 years and therefore, the petitioner was advised that no compassionate appointment could be granted to the minor. The petitioner need not wait for her son to attain 18 years of age and the petitioner was directed that if she applies, the same will be considered.

3. A specific communication, in this regard, was issued to the petitioner on 22.02.2018. However, even thereafter, the petitioner did not make any application for a grant of compassionate appointment to herself. As a matter of fact, her son completed the age 18 years in the year 2019.



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But, at that point of time, within three years, no application is made for a grant of compassionate appointment to the son. Belatedly, now, after a change of mind, the petitioner is once again requesting that she may be given employment by her representation, dated 29.11.2023. Since that request is beyond the period of three years, the respondents have rejected the same.

4. Learned Counsel for the petitioner submits that the petitioner and her family are in great financial difficulty and the petitioner had immediately made a representation also. Therefore, in this case, it cannot be said that no application at all was made within three years and therefore, this is a case where this Court should interfere and direct the respondents to consider the representation of the petitioner.

5. Per *contra*, learned Government Advocate for the respondents submits that as a matter of fact, the petitioner was duly informed to make an application within three years for herself by the communication, dated 22.02.2018. It is the petitioner's own making that she did not make any application within the time.



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6. I have considered the rival submissions on either side and perused the material records of the case.

7. Admittedly, the petitioner's husband died on 13.09.2017 and as per the scheme, the application for compassionate appointment should be submitted on or before 12.09.2020. In spite of specific advice by the respondent department on 22.02.2018, the petitioner did not submit any application. As a matter of fact, her son also crossed 18 years of age before the said date. However, no application was submitted for a grant of compassionate appointment for her son. Therefore, belatedly, when the petitioner is making the representation in the year 2023 and renewing her request, the same cannot be considered. It is trite that the very object of the scheme of compassionate appointment is to provide immediate succor to the family in penury and distress and when the petitioner did not make an application and by her own making, kept quiet until the year 2023, her belated request cannot be considered and as such, has been rightly rejected by the respondents.



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8. Accordingly, finding no merits, this Writ Petition is dismissed.

There shall be no order as to costs.

23.04.2024

Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

grs

To

1. The Director General of Police,
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